PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 312

HOUSE OF COMMONS

OFFICIAL REPORT

FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FORTY-SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 1997–98

COMPRISING PERIOD
11 May—21 May 1998

£70

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11 May 1998

THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 7 MAY 1997]

FORTY-SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 312**

NINETEENTH VOLUME OF SESSION 1997–98

House of Commons

Monday 11 May 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Sentencing

1. **Mr. Desmond Swayne** (New Forest, West): If he will introduce mandatory minimum sentences for burglars convicted of a third offence. [40263]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): Ministers in the Conservative Government said that the implementation of section 4 of the Crime (Sentences) Act 1997 depended on the Prison Service's capacity and available resources; we agree with that.

Mr. Swayne: Will the Minister confirm that the average sentence for a third-time burglar is a mere 20 months? Does he believe that that provides adequate protection for the public, many of whom are of very modest means and have had their homes wrecked by such people?

Mr. O'Brien: The courts increasingly regard those who have repeatedly burgled domestic premises as very serious offenders, and the average of the tariffs that are being imposed is increasing. It is clearly right to send a message on the issue, but the Conservative Home Secretary, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), refused in March 1997 to set any date for implementing section 4. His press statement said:

"None of the provisions of the Crime (Sentences) Act 1997 have immediate effect. No dates have yet been set for implementation."

The Conservatives said that they would deal with the issue as soon as Prison Service resources allowed; we have increased those resources

Mr. John Greenway (Ryedale): Why is the Minister so reluctant to implement the mandatory sentence for persistent burglars? Is it because he does not really believe in the concept; because he and the Home Secretary have failed to persuade the Chancellor to provide the money for the prison places; or because he knows only too well that, far from burglars being locked up under mandatory sentences, they will be let out under the Government's plans for early release, so instead of being behind bars, they will be free to burgle again?

Mr. O'Brien: The hon. Gentleman is guilty of mere posturing on the serious issue of crime. The nearest that the Conservatives ever got to saying when they would implement section 4 was when they said that if, for example, they could implement it by October 1999, it might have some effect after 2001. If section 4 is the Conservatives' acid test on sentencing, they did not seem in a rush to implement it, did they?

We put resources into the Prison Service that the previous Government did not even have there. We will take no lessons from the Tories on crime. Our Crime and Disorder Bill will be tough and effective, where the Tories merely postured.

WPC Fletcher

3. **Mr. Tam Dalyell** (Linlithgow): Pursuant to his oral answers of 30 March 1998, *Official Report*, columns 887–88, on WPC Fletcher, what discussion he has had with the Secretary of State for Foreign and Commonwealth Affairs on those matters which have made the investigation into the murder of WPC Yvonne Fletcher more complex than was originally expected; and if he will make a statement. [40265]

The Secretary of State for the Home Department (Mr. Jack Straw): I have written to my right hon. Friend the Foreign Secretary, bringing to his attention the concerns expressed by my hon. Friend on 30 March. I have also informed my right hon. Friend of the latest position on the police investigation, including the pursuit of inquiries in Germany, which are of course the responsibility of the Commissioner of Police of the Metropolis.

Mr. Dalyell: What did the Foreign Secretary say? Given the grave doubts of Colonel George Styles, the senior ballistics expert of the British Army, of Hugh Thomas, the consultant surgeon in Belfast, and of Bernard Knight, the distinguished Home Office pathologist, none of us can be surprised that the inquiry is taking so long; but as it is indeed taking so long, how can it form any basis for a policy of sanctions against Libya, as it is only slightly less dubious than the inquiry into Lockerbie?

Mr. Straw: My hon. Friend will understand that my responsibility in this matter arises from my role as the police authority for the Metropolitan police, and that I have none for sanctions against Libya. This is a complicated inquiry, and I know that my hon. Friend has been generous about the efforts that have been made by the Metropolitan's assistant commissioner, David Veness.

Mr. Tony Baldry (Banbury): How can the House feel confident that any information provided by Foreign Office Ministers is based on their having read all the relevant cases? Will the Home Secretary take it from me—a former Foreign Office Minister—that the only reasonable inference that can be drawn from recent events is that no Minister in the Foreign Office is reading his or her boxes?

Mr. Straw: I do not accept that for a moment. I know that my right hon. Friend the Foreign Secretary takes the Lockerbie inquiry very seriously indeed.

Prisoners

4. **Mr. Richard Allan** (Sheffield, Hallam): What estimate he has made of the number of prisoners who have (i) drug and (ii) mental health problems. [40266]

The Minister of State, Home Office (Ms Joyce Quin): Research undertaken for the Prison Service by the Institute of Psychiatry suggests that around 28,000 prisoners, including those on remand, have drug and mental health problems of some kind. Those studies were carried out some time ago, however, and the Office for National Statistics has been commissioned to carry out a new survey of the prevalence of mental disorder in the prison population of England and Wales. My hon. Friend the Under-Secretary of State for the Home Department, the hon. Member for Knowsley, North and Sefton, East (Mr. Howarth), will announce further initiatives on tackling drugs in prisons.

Mr. Allan: Does the Minister share the concern of the chief inspector of prisons about the number of mentally disordered offenders who are inappropriately held in prison? Does she agree that the way in which to tackle that is to consider the point at which individuals are taken into custody? Have the Government any plans to improve the training of custody sergeants and, in particular, their liaison with national health service psychiatric services?

Ms Quin: The hon. Gentleman makes an important point about trying to divert from the prison system people who would be inappropriately held. We are considering the kind of measures that he mentioned, but the number of people who have been transferred from the Prison Service to mental health establishments of various kinds has risen markedly, particularly over the past year. That is encouraging: we seem at least to be starting to tackle the problem, although I certainly agree that we can do a lot more.

Mr. Martin Linton (Battersea): Has my hon. Friend seen the latest Home Office research figures showing that half the people arrested for shoplifting, and a quarter of car thieves, tested positive for heroin? Will she ensure that, in order to test increasing anecdotal evidence that many people start taking drugs while in prison, the next Home Office research includes not only those who are arrested, but those who leave prison?

Ms Quin: Existing research does not back up claims that more people leave prison with a drug addiction than enter prison with one. It is rather the opposite, although the figures are not nearly as low as we would like. However, my hon. Friend makes an important point about the number of arrestees who test positive for drugs. That is one reason why the drug treatment and testing order included in the Crime and Disorder Bill is so important.

Sir Brian Mawhinney (North-West Cambridgeshire): The Minister knows that, like her, I have been visiting prisons up and down the country. Is she aware that governors have been telling me that up to 40 per cent.—or perhaps more—of the prisoners in their prisons are on drugs, and that most of those drugs are brought in by visitors? Many governors tell me that they do not have the resources to create an adequate barrier against the inflow of the drugs—*[Interruption.]* Perhaps the Minister would like me to wait until the Home Secretary finishes briefing her before I complete my question.

If the Government do not want to be seen as complacent, will the Minister give an undertaking that every prison in the country will have enough resources for one proactive and one passive drug dog to fight the insidious inflow of drugs?

Ms Quin: I think I can answer a question without the right hon. Gentleman's patronising comments. As he pointed out, I have visited a large number of prisons, where I, too, have discussed with governors and prison staff the issues that he has raised. There are 168 active dogs in prisons and 26 passive dogs, which are

particularly good at detecting drugs brought in by visitors. Some of those dogs are used for clusters of prisons, where two or three prisons are situated close together. We are continuing—and, I believe, making more effective—the prison drugs strategy started by his Government. As I said earlier, further announcements will be made about that in due course.

Young Offenders

5. **Mr. Graham Stringer** (Manchester, Blackley): What progress he has made in implementing his plans to tackle crime among young people. [40267]

The Minister of State, Home Office (Mr. Alun Michael): We are making a great deal of progress on tackling crime among young people. The White Paper "No More Excuses" includes proposals to reduce delay, to nip things in the bud and to achieve better co-ordination of youth justice services. The Crime and Disorder Bill is making progress in Committee. The process of appointment to the new youth justice board has started. Even in advance of legislation, much can be done. More than 100 courts have started or are planning fast-track schemes for young offenders, compared with only eight when we came into office.

Mr. Stringer: I thank my hon. Friend for that answer. I am sure that my constituents welcome the progress that is being made. Given that much crime is carried out by 10 to 16-year-olds, and that a significant proportion of that is perpetrated while they should be at school, will he join me in welcoming the proposals of the social exclusion unit to give the police powers to pick up children off the streets who should be at school?

Mr. Michael: I certainly welcome the work of the social exclusion unit and the Prime Minister's strong backing for its recommendations this morning. The chapter that refers to a joined-up problem says that nearly half of all school-age offenders have been excluded from school, and that a quarter truanted significantly. Different Departments are coming together to address the problem together.

Miss Anne McIntosh (Vale of York): Does the Minister accept that there is some merit in the 110-day rule which applies in Scotland, whereby offenders not brought to trial within 110 days of being committed to trial are set for ever free? That has won the support of the local probation service in North Yorkshire. If he agrees, will he approve my private Member's Bill?

Mr. Michael: We have a better Bill, the Crime and Disorder Bill, which addresses the whole problem comprehensively. The hon. Lady is right to say that we should consider what happens elsewhere, including Scotland, to learn the lessons of what has worked. Such solutions do not always translate to England and Wales, but we certainly have examined the situation elsewhere. We are achieving much positive progress, as I said in my first reply.

Sir Brian Mawhinney (North-West Cambridgeshire): Given that the hon. Gentleman is the Minister responsible for the police, how could he give the answer that he gave to the hon. Member for Manchester, Blackley (Mr. Stringer) without embarrassment? He told the House that he is happily conniving with the Secretary of State for Education and Employment to send hard-pressed police around the streets like pied pipers of Hamelin, rounding up 1 million young people and taking them back to school, when 900,000 of them will walk out the next day and 100,000 have only one or two hours education a week, so they have no school to go to. The Minister is putting no pressure on the Labour education authorities that have the responsibility. When is he going to get serious on behalf of the police and start taking firm action to address these problems?

Mr. Michael: That was pathetic. The title of our White Paper was "No More Excuses", and we are taking no more from that lot opposite. They got a bloody nose because of the daft proposals that they came up with in the past. The right hon. Gentleman should read the Police Superintendents Association press release welcoming what we proposed today specifically because it recognises the need not for a problem to be offloaded on to the police, but for the police to work with schools, education authorities and health services. Together we will solve the problems that he and his colleagues failed to tackle when they had the opportunity.

European Police Co-operation

6. **Mr. Ben Chapman** (Wirral, South): If he will make a statement on recent discussions with his European counterparts on police co-operation. [40268]

The Minister of State, Home Office (Ms Joyce Quin): My right hon. Friend and I last met all our European counterparts to discuss police co-operation at the Justice and Home Affairs Council meeting on 19 March. A report on the outcome of those proceedings was given in a reply to a question from my hon. Friend the Member for Slough (Fiona Mactaggart) on 8 April.

Mr. Chapman: Does my hon. Friend agree that it is only by co-operation with our European partners that we can tackle organised crime? Organised crime knows no boundaries, and it needs to be tackled at least on that basis. That is particularly relevant in the drugs context, and it is important that we lay stress on it during the remainder of our presidency.

Ms Quin: I agree very much that organised crime and measures to combat drugs trafficking are important issues for co-operation and joint work with our European Union partners. We are extending that work to discussions and co-operation with countries from central and eastern Europe that are applying for membership of the European Union. That work is not greatly reported, but it is important.

Mr. A. J. Beith (Berwick-upon-Tweed): Is the Minister aware that, although we strongly support the development of co-operative work through Europol, the progress of that work could be impaired by the continued existence of a wide legal immunity, which does not apply to British police officers, but which sets Europol in an unfortunate

position above the law? We ought to ensure that Europol is in a clearly legally defined position so that we can increase the amount of work it does on our behalf.

Ms Quin: The right hon. Gentleman is making a false comparison; Europol is not an operational police force, but is simply a co-operative and intelligence-gathering body. None the less, one of the priorities of the UK presidency is to get Europol up and running, so we are urging those countries which have not yet ratified Europol to do so as soon as possible.

Mr. Dale Campbell-Savours (Workington): When the Minister meets her European counterparts, will she ask them how effective they find national identity cards in dealing with crime throughout western Europe? When they tell her, as they repeatedly will, that the cards are extremely helpful, will she commission a report on the introduction of such cards in the United Kingdom?

Ms Quin: Those issues are always discussed and under consideration, but they are not frequently the subject of discussions among European Union Ministers, which are much more focused on matters such as the action plan against organised crime, where we can all co-operate and there are not such important different national practices.

Mr. John Wilkinson (Ruislip-Northwood): Does the hon. Lady agree that part of the problem with controlling organised crime, especially within continental Europe, is the effect of the Schengen agreement, which was undertaken by certain main European Union countries and which did away with border controls between them? Is it not time that she, through the European presidency that her Government so proudly hold, asked the European Union to re-examine the issue of border controls? Unless member states are far more effective than they are today in controlling the movement of criminals, even Europol and co-operation will not curb the activities of the Mafia and organised crime from central and eastern Europe.

Ms Quin: One of the achievements of this Government—one of which the previous Government would not have been capable—was to get a sound legal basis in the Amsterdam agreement for the operation of our own border controls. The countries that form part of the Schengen system agreed that system between themselves and they are entitled to do so, but they certainly feel the need to take measures together and to step up co-operation against crime.

Restorative Justice

8. **Mr. Ross Cranston** (Dudley, North): What assessment he has made of the effectiveness of restorative justice. [40270]

The Minister of State, Home Office (Ms Joyce Quin): We believe that restorative justice ensures that young offenders face up to their behaviour. Measures in the Crime and Disorder Bill and our proposal for reform of the youth court are consistent with its underlying principles.

Mr. Cranston: I thank my hon. Friend for that answer. She will know that the research of the Thames Valley restorative justice scheme shows that the rate of reoffending among the young people dealt with there is 3 per cent., whereas the normal rate is more than 30 per cent. I congratulate Ministers on introducing the Crime and Disorder Bill, which provides the legal framework for restorative justice. Will my hon. Friend, however, urge police forces throughout the country seriously to consider using restorative justice in their own area?

Ms Quin: My hon. Friend mentions the Thames Valley scheme, which has served as a good example for many other areas to follow. There are also good examples in the diversion unit in Northamptonshire and in the West Yorkshire probation service. Such measures are becoming much more widely accepted, and the partnerships in the Crime and Disorder Bill and measures such as the reparation order will give a boost to that approach to justice.

Mr. Nick Hawkins (Surrey Heath): Does the Minister agree that, where restorative justice may be extended, great care must be taken to ensure that it is used only in appropriate cases? Constituents of mine were recently involved in a case that was dealt with by Thames Valley police, and were very unhappy with the way in which restorative justice was used. I have written to the chief constable. Will the Minister consider the correspondence that I will send her, which shows that restorative justice does not always work very well?

Ms Quin: I cannot comment on specific examples, but the Home Office will be keen to receive that information. Restorative justice must be used sensitively. I endorse the hon. Gentleman's points, particularly regarding the need to avoid causing further suffering to victims. We have to be careful in our use of restorative justice. None the less, it has been shown to be mutually beneficial in a number of cases, and we want to build on that.

Secure Accommodation

9. **Dr. Lynne Jones** (Birmingham, Selly Oak): If he will make a statement on the availability of locally based secure accommodation for young offenders. [40271]

The Minister of State, Home Office (Mr. Alun Michael): An initial review of all forms of juvenile secure accommodation has been undertaken by the youth justice task force established by the Home Secretary and as part of the comprehensive spending review. As promised in the White Paper "No More Excuses", it is our aim to sort out the present incoherent system of secure accommodation.

Dr. Jones: I wanted to ask this question because of written remarks made by one of my local police inspectors, who despaired at the repeated release on bail of a hard core of juvenile offenders, whom his officers were arresting weekly and sometimes even daily, because of a lack of secure accommodation to which they could be sent. Does my hon. Friend accept, first, that there is a shortage of such accommodation, and, secondly, that rehabilitation is assisted if youths are detained close to

home? If so, will he take urgent action to improve the supply of locally based secure accommodation for young offenders?

Mr. Michael: My hon. Friend raises several important points. The existing system is incoherent and, as she pointed out, there is a shortfall in the number of places. Offending while on bail can be tackled in a number of ways, including bail support and replacing the repeat cautioning system with a final warning so that there is intervention, rather than allowing cases to drift.

We want to target secure accommodation where it is needed. The previous Government failed to provide the number of places identified as necessary in 1991 and left us an incoherent state of secure accommodation, which we are now tackling.

Mr. Ian Bruce (South Dorset): The hon. Gentleman is keen on rhetoric, but what about resources? Will he confirm that, since they came to power, the new Government have enabled only six new places to be provided by local authorities? Where's the beef?

Mr. Michael: The hon. Gentleman should direct any remarks about rhetoric rather than action to the previous Home Secretary. Since the general election, we have tackled the whole youth justice system. We have authorised the refurbishment of six places in one unit within the spending limits allowed by the previous Government, who failed over nine years to produce the number of places that were needed. *[Interruption.]* The hon. Gentleman ought to look elsewhere for the answer to his question, rather than playing silly tricks. I know that a thumb and five fingers make six—that is about the limit of his contribution to youth justice policy.

Dr. Brian Iddon (Bolton, South-East): Would my hon. Friend be surprised to learn that purpose-built accommodation for young offenders was provided in my constituency at great cost, but, because it was never licensed and the previous Government cut local authority expenditure, after a few years of using that accommodation as a children's home, Bolton local authority was forced by that Government to sell off the property?

Mr. Michael: That comes as no surprise. When the Conservatives were in government, I found them unwilling to listen to practical ideas about how to stop youngsters offending, and about managing secure accommodation. My hon. Friend gives us an example of what they achieved during their 18 years.

Closed Circuit Television

10. **Mr. John Bercow** (Buckingham): If he will make a statement on the use of CCTV in combating crime. [40272]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): This Government are encouraging the use of CCTV as part of a comprehensive approach to tackling crime and disorder. As well as the proven value in town and city centres, we are encouraging innovative and flexible use of CCTV so that we can learn the lessons of what works.

Mr. Bercow: I thank the Minister for that reply. Will he confirm that, whereas the former Government provided £15 million a year for the use of closed circuit television cameras to fight crime in 1994–95, 1996–97 and 1997–98, the Labour Administration have slashed the sum available to a mere £9 million, of which only approximately £1 million, as Library figures demonstrate, is available for new schemes? Is that not a scandalous breach of the Minister's party's commitment to fight crime, and further proof that this Administration are a purely penny-pinching Government?

Mr. O'Brien: The hon. Gentleman should be aware that the Conservative Government left no provision at all for CCTV next year. It is right that we have a budget of £9 million this year to support CCTV. The previous Government made commitments that exceeded the budgets available, so the bulk of this year's money will go towards honouring those commitments. One million pounds will go to new schemes. Substantial coverage of town centres, often by Labour councils, has been achieved; we are now seeking wider coverage than the previous Government envisaged, as part of our overall anti-disorder package.

I note that the hon. Gentleman thinks this subject important. There are five bids for Home Office funding under the fourth round of challenge funding for the Buckinghamshire area. Why has not the hon. Gentleman written in support of any of them?

Mr. Bill O'Brien (Normanton): Will my hon. Friend take it from me that the support given by the previous Government to CCTV in my constituency was nil? We appreciate the support that we have received for Wakefield CCTV from the current Government. Will the Minister take note of the urgent need for more resources to be channelled into CCTV in small towns, and around schools and other public buildings? Will he in future give priority to small urban areas?

Mr. Mike O'Brien: My hon. Friend is right. My home town of Bedworth also found that the Conservative Government failed to provide for CCTV in its area when it put in a bid to that Government; but the Labour council there and local traders got together and funded it themselves. A large number of town centres have already been covered. Indeed, Buckingham, in the constituency of the hon. Member for Buckingham (Mr. Bercow), opened a scheme in the town centre after the general election last year. Now, as my hon. Friend suggests, we want to concentrate on integrating CCTV with other crime reduction measures, to make a success of the policy.

Young Offenders

11. **Mr. John Smith** (Vale of Glamorgan): What steps he is taking to ensure that there is early intervention with young offenders to prevent reoffending. [40273]

13. **Mr. Colin Burgon** (Elmet): What steps he is taking to ensure that there is early intervention with young offenders to prevent reoffending. [40275]

The Secretary of State for the Home Department (Mr. Jack Straw): As part of their youth justice programme, the Government have a number of measures

in the Crime and Disorder Bill to ensure early intervention to stop offending behaviour. These measures include the final warning scheme for those above the age of criminal responsibility, the child safety order and local child curfews, both for under-10s, and parenting orders in respect of young offenders of any age. District-based crime prevention strategies and youth offending teams will provide a new focus for local action to reduce youth crime.

In addition, as my right hon. Friend the Prime Minister announced this morning, we shall be taking new powers in the Crime and Disorder Bill to allow the police to return truants to their schools or to another place of safety designated by the local education authority.

Mr. Smith: I am grateful for that reply. Members of the Dinas Powis neighbourhood watch scheme will be especially grateful. I met them last week, and they raised this very issue with me—reoffending by youngsters. The Home Secretary's reply deals precisely with that. Does he agree, moreover, that parents should take greater responsibility for the actions of children who offend?

Mr. Straw: Yes. On the specific point that my hon. Friend raises, we believe that parents should take much greater responsibility for offences committed by their children. That is why the Prime Minister spelled out today the importance of parents accepting responsibility when their children truant. In addition, the Crime and Disorder Bill will give the courts clear powers to make parenting orders in appropriate cases.

Mr. Burgon: Recently, the Home Secretary had the chance to visit the Wetherby young offenders institution to see the excellent work done there. I wonder what representations were made to him about mixing young offenders with juveniles in certain circumstances. How will he address the concerns that may have been drawn to his attention?

Mr. Straw: I did indeed visit the Wetherby young offenders institution just 10 days ago. I saw there the excellent work done by staff and volunteers, and was able to open the first Young Men's Christian Association centre in a prison in this country. The Prison Officers Association branch at Wetherby raised with me the issue of mixing juveniles with young adult offenders. There is no mixing in residential accommodation. There is some mixing in education and health care, and we are considering whether we can reduce that further.

Mr. Edward Garnier (Harborough): Does the Home Secretary realise that the Glen Parva young offenders institution straddles the boundary between my constituency and Blaby? Will he make arrangements to visit it soon? The Home Secretary knows that, recently, Glen Parva received a very unfavourable report from the chief inspector of prisons. It is a sad place, which needs to do a great deal better, and I am sure that, if the Home Secretary were to give personal encouragement by making a visit and seeing the place for himself, that would do a great deal to help prevent people from returning for a second visit.

Mr. Straw: I should be happy to visit Glen Parva, and will do so as soon as I can.

Obviously, the overall resources available to the Prison Service are an issue, and we are seeking to increase them. However, interestingly, similarly resourced young offenders institutions have very different outputs. On the one hand, we have institutions such as Glen Parva, which has had a history of difficulties; on the other, we have institutions such as Lancaster Farms, which, with no more resources, does much better and is able to ensure much lower levels of reoffending. What is important for the Prison Service is that we try to learn from the best institutions and pass on the lessons learned to the less good institutions.

Sir Brian Mawhinney (North-West Cambridgeshire): Is the Home Secretary aware that, this morning, his Minister of State, the hon. Member for Cardiff, South and Penarth (Mr. Michael), told a conference in Wales:

"Criminal justice is about punishing criminals",

just three weeks after he told my hon. Friend the Member for Hertsmere (Mr. Clappison) that, under the present Government, people who were sentenced to six months would spend only six weeks in custody? Will the Home Secretary encourage his Ministers to stop saying whatever they think people want to hear, and to get down to addressing the real issues which will help young people not to reoffend?

Mr. Straw: Criminal justice is indeed about punishing criminals. For a moment, I thought that perhaps one of my right hon. or hon. Friends was off message at the conference in Wales, but they said exactly the truth—of course criminal justice is about punishing criminals.

I believe that the right hon. Gentleman was referring to the detention curfews which we are planning for short-term prisoners in the last few weeks of their period of custody. Part of the purpose is to ensure that there is a proper transition between custody, where every decision is taken for the prisoner, and life outside, where the prisoner must start to take his or her own decisions. One matter that the previous Administration failed wholly to address was the unacceptably high reoffending rate, especially for inmates of youth offending institutions. We are tackling that by electronic tagging and by introducing the welfare-to-work scheme from within the YOIs.

Mr. Chris Mullin (Sunderland, South): Does my right hon. Friend agree that prevention is better than cure; that it is more cost-effective and efficient to divert vulnerable groups of young people away from offending before they start offending; and that, although some excellent schemes exist for that purpose, they are hopelessly underfunded—often on a hand-to-mouth basis? Does he agree that it would be a far cheaper, more efficient and more worthwhile investment to divert young people away from likely offending, rather than having to spend a lot of money later on locking them up?

Mr. Straw: My hon. Friend is entirely right. Interestingly, the research on the effectiveness of the previous Administration's safer cities programme shows that money invested in target hardening and in diversionary schemes has a much higher payback in terms of cost-effectiveness than some other schemes. We therefore intend to pursue sensible schemes for prevention, but we must ensure that there is effective punishment when an offender fails to be diverted and commits serious offences.

Prisoners (Drug Testing)

12. **Mr. Nigel Evans** (Ribble Valley): What representations he has received relating to the testing of prisoners for drug use. [40274]

The Parliamentary Under-Secretary of State for the Home Department (Mr. George Howarth): We have received representations from hon. Members and others. As part of our continuing commitment to tackling the problem of drugs in prison, I can announce that a revised Prison Service drug strategy will be published tomorrow, and I shall place a copy in the House of Commons Library.

Mr. Evans: I am grateful for that response, and I hope that, as part of the new package, some of the measures that I shall suggest will be considered. Will the Minister confirm that the drugs industry is booming in British prisons, and that prisoners find it as easy to get drugs in prison as they do outside? Will he consider the increased use of sniffer dogs in all our prisons, more random testing of more prisoners, including at weekends, and the use of sniffer dogs whenever visitors come into prisons? The hon. Gentleman would no doubt agree that a great quantity of drugs is getting into our prisons via visitors. If there is any suspicion, visitors should be searched.

Mr. Howarth: It would be premature to say what will be in the new strategy to be published tomorrow. The hon. Gentleman has touched on several matters that we need to address and that the previous Government addressed—first, reducing the supply of drugs in prisons; secondly, by various means, reducing the demand for drugs; and, finally, reducing the damage to health that often accompanies drug abuse, whether in prisons or elsewhere. Too many drugs are getting into prisons and, through such a strategy and a new focus, we hope to start tackling the problem, which we acknowledge is extremely serious.

Mr. Paul Flynn (Newport, West): Does my hon. Friend recall, under the previous Labour Government, two cases in the county of Gwent where defendants who were found guilty of serious repeat offences argued that they should not be sent to prison because, the previous time they were in prison, they became addicted to heroin? They succeeded in avoiding prison sentences because the Prison Service could not provide a prison that was free of illegal drug use. That is scandalous. What is the Government's target percentage of prisons that will be free of illegal drug use by the end of this Labour Government's first term of office?

Mr. Howarth: My hon. Friend should not always accept a defence plea as justification for what did or did not happen during a prison sentence. Of course there are problems of drugs in our prisons; I say that quite sincerely. It happened under the previous Government and it is happening under this Government. We have examined the problems closely and seriously, and there is no evidence to support my hon. Friend's contention that a shift takes place from cannabis smoking to taking heroin. He may have heard some anecdotal evidence to support his contention, but the statistics do not show that that is happening.

Mr. Alan Clark (Kensington and Chelsea): Does the Minister agree that the one thing of which his Department is terrified is a prison riot, and that the Department will go to any lengths to avoid one? The surest way of causing a riot is to eliminate and ban drugs, and the easiest way to prevent one is to keep prisoners in an amiable—relatively speaking—and docile condition by allowing the free circulation of narcotics in prison. The Minister may well be serious and sincere in his contention that he is trying to wage a war on drugs in prisons, but, if he looks more closely at the Prison Service, he will find that in many institutions their circulation is encouraged.

Mr. Howarth: If the right hon. Gentleman has any evidence to support that contention, I should be grateful if he would give it to me. I am not aware of any prison governor or prison institution that actively encourages drug taking in prisons. The right hon. Gentleman, as a former Minister, should have more sense than to peddle such stupid arguments in the House of Commons. It is simply not true, and it is about time that, at his advanced age, he grew up.

Ms Beverley Hughes (Stretford and Urmston): Although compulsory testing is important in this battle, if we are to break the obvious and very strong link between drugs and crime, it is equally important that treatment be made available. Can my hon. Friend assure me that adequate treatment will be available in prisons for those prisoners who are found to be addicted to or abusing drugs?

Mr. Howarth: Yes; I can give my hon. Friend that assurance. More than 60 treatment programmes already exist in our prisons, ranging from detoxification to various kinds of counselling. We want to build on those programmes. For instance, we want to introduce voluntary testing units to as many prisons as possible. Through measures in the Crime and Disorder Bill, such as testing and treatment orders, we hope to divert some addicts, in suitable cases, out of the prison system altogether.

Mr. Humfrey Malins (Woking): The Minister will clearly agree that it is both desirable and essential to stamp out completely the use of illegal drugs in prisons, but does he believe that it is possible?

Mr. Howarth: It is certainly an aim to which we would all, I hope, subscribe. I want the strategy that we shall announce tomorrow to make it possible to reduce those numbers. I do not know whether any prison system in the world could claim to be entirely drug-free. If there is one—and it offers the prospect of a decent regime—I would be more than happy to consider it.

Café Bar Licensing

15. **Ms Gisela Stuart** (Birmingham, Edgbaston): If he will review current licensing arrangements to provide for café bar licensing. [40277]

The Parliamentary Under-Secretary of State for the Home Department (Mr. George Howarth): My hon. Friend wil be aware that, last week, we announced that there will be a review of the licensing system. As part of that review, I shall look at existing licensing provisions for café bars.

Ms Stuart: I thank my hon. Friend for that answer. I believe that the Birmingham magistrates licensing courts committee is the largest in the country, and this is an important issue for a city such as Birmingham that has many overseas visitors. Can my hon. Friend give me an idea of the time scale for that review? When will we be able to give the Birmingham magistrates courts committee a more concrete reply?

Mr. Howarth: I am afraid that my hon. Friend will have to wait a little longer before she can give the Birmingham magistrates courts committee a more concrete reply. With co-operation from the industry, magistrates and others, including the police, we hope to modernise the licensing system—while balancing that with a proper and responsible approach to protecting neighbourhoods that are often plagued by disorder at chucking-out time.

Beat Police Officers

16. **Mr. Simon Hughes** (Southwark, North and Bermondsey): What is the Government's policy on the subject of the future deployment of police officers on the beat. [40278]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): The Government will continue to do all that they can to relieve the police of unnecessary bureaucratic burdens and to encourage chief constables to put more officers back on the beat. However, the deployment of officers on the beat or to other duties remains a matter for chief constables.

Mr. Hughes: Is not the fact that, in the past year, there was a reduction of 600 police officers on the beat in the capital the best evidence that the Commissioner of Police of the Metropolis was correct when he said, about 10 days ago, that there was no possibility of any significant increase in the number of police officers on the beat under current arrangements? Do the Government have a policy of putting more police officers on the beat throughout the country, and do they accept that, unless they increase the money available to police forces, the number of officers on the beat will continue to fall, contrary to the public wish?

Mr. O'Brien: Crime in the metropolitan area has fallen by 6.1 per cent., and that is a tribute to the Metropolitan police. The Met has more officers per person than any other area. Total revenue for the Metropolitan police rose by 3.7 per cent.—or by £70 million—to £1.7 billion in 1998–99. That is a healthy rise at a time of restraints on public spending, and includes an extra £151 million in recognition of the Met's distinct national and capital city functions. We need to ensure that there are enough officers on the beat to fight crime. That is our objective, but it is not a totem in itself. We must ensure that the officers are there for a purpose, and that purpose is to fight and reduce crime.

Fiona Mactaggart (Slough): Will my hon. Friend join me in congratulating my local police force in Slough, which, through good management and the introduction of sectoral policing, has been able to increase the number of police officers on the beat? Will my hon. Friend play his part in making that more possible by reducing bureaucratic demands on the police force so that more police officers can get out and do their job on the streets?

Mr. O'Brien: I agree entirely with my hon. Friend that we need to ensure that we free up officers for front-line duties. For example, joint performance management schemes between the police and the Crown Prosecution Service have improved the preparation of case files and helped to reduce the number of forms. We hope that further opportunities will arise to reduce the administrative burdens on the police so that we can get more police officers where they belong, which is out on the beat.

Mr. Damian Green (Ashford): The Minister is keen to have more police officers on the beat, but, when it comes to specifics, he tries to hide behind the chief constables. Will the Minister give the House a target for the number of extra police that the Government wish to see on the beat by the end of this Parliament?

Mr. O'Brien: Perhaps the hon. Gentleman should abide by the commitments of the Conservative party. We have honoured all the spending commitments of the previous Government and are seeking to use those resources more effectively. The Conservatives are always wind and fury on policing. However, when it comes to police numbers, the previous Conservative Home Secretary promised to create 2,000 extra officers. In the last year of the Conservative Government, he delivered 295 fewer officers. Overall, between 1992 and 1997, net police numbers fell under the Conservatives by 765. The Met lost 1,961 officers. That is what the Conservatives did for policing.

Juvenile Crime

17. **Angela Smith** (Basildon): When pilot areas for youth offending teams will be selected. [40279]

The Minister of State, Home Office (Mr. Alun Michael): I am delighted to say that we have received 46 expressions of interest, from which we will shortly select eight areas to pilot the new youth justice measures, which are contained in the Crime and Disorder Bill. The youth offending teams will be piloted in each of those areas.

Angela Smith: I thank my hon. Friend for that answer. Is he aware that his decision will be welcomed by local authorities, given that the role of the youth offending teams will complement the roles now played by local authorities in terms of community safety? When the pilot areas are announced, will guidelines be issued to them to ensure that those involved work closely with local authorities?

Mr. Michael: Yes, indeed. I am aware of the enthusiasm among local authorities. The enthusiasm of local authorities and the police for the proposals in the Crime and Disorder Bill is striking. The requirement to undertake a crime and disorder audit and create a partnership to tackle crime and disorder in every part of the country is widely welcomed, and will fit well with the youth offending teams in the strategy to reduce youth crime.

Mr. James Clappison (Hertsmere): Will not the work of the youth offending teams be completely undermined by the dishonesty of the sentencing system, which means that a sentence of six months' imprisonment means only six weeks inside? Is not what the Home Secretary has just said about giving prisoners the opportunity to prepare themselves for release extraordinary when we bear in mind the fact that prisoners are released after serving only half their sentence? Is that not long enough for the Home Secretary? Is not the message that the Government are sending out that sentences do not mean what they say and that, under new Labour, "If you do the crime, you won't get the time"?

Mr. Michael: The answer to the hon. Gentleman's question is no. It was a singularly unintelligent question, because he failed to listen to my right hon. Friend's answer. We are saying that we need to manage the transition from prison back into the community in such a way that people do not take up the pattern of crime in which they were indulging previously. The Conservative Government signally failed to deal with that issue. The hon. Gentleman has failed to address the points made by my right hon. Friend the Home Secretary and the subject of the question, which are that the Government are tackling youth offending while the Conservative Government did not do so for more than 18 years.

Mr. Phil Sawford (Kettering): Does my hon. Friend agree that it is a bit rich for the Conservative party to criticise sentencing procedures when only one in 50 crimes resulted in convictions during the time the Conservatives were in office? It is not good enough to criticise our record, when we are taking up the entire issue of youth crime through the Crime and Disorder Bill.

Mr. Michael: Frankly, Conservative Members are undergoing a probationary period as an Opposition. They are not doing very well so far—they need more supervision—but the transition from government to opposition does not seem to suit them. We are dealing with the issues that have been left untouched for so many years.

Football Policing

18. **Mr. Peter L. Pike** (Burnley): What representations he has received on charges to football clubs for policing in relation to football matches. [40280]

The Parliamentary Under-Secretary of State for the Home Department (Mr. George Howarth): My right hon. Friend the Secretary of State has asked me to congratulate my hon. Friend the Member for Burnley and the Prime Minister's official spokesman, who is also a Burnley supporter, on the club managing to stay up this season.

Two letters have been received recently from my hon. Friend, on behalf of Burnley football club, about charges for policing at matches. I understand that discussions between the police and the club on charging levels are continuing, with a view to reaching an amicable solution. I hope that my hon. Friend will shortly find that that has happened.

Mr. Pike: In response to my hon. Friend's opening remark, I congratulate my right hon. Friend the Secretary of State on Blackburn Rovers qualifying for Europe by the skin of their teeth yesterday.

The problem is that charges for reserve and off-ground policing proposed for next year by Lancashire police for Nationwide league clubs such as Burnley are not acceptable because those clubs are struggling to survive. Burnley, which is one of the best-supported teams—certainly in the second division—could not afford to meet the proposed costs.

Mr. Howarth: My hon. Friend is well aware that discussions are taking place, and I am sure that the points that he has made will be taken fully into account before a solution is arrived at. I am confident that the talks are making progress, and I hope to report that there will be a solution in the near future.

Fire Services

19. **Mr. John Cryer** (Hornchurch): What plans he has to review the Fire Services Act 1947. [40281]

The Parliamentary Under-Secretary of State for the Home Department (Mr. George Howarth): My hon. Friend will be aware that we recently received the community fire safety task force recommendation, and work to implement its implications is on-going. We hope to make a lot of progress in this area.

Mr. Cryer: Will my hon. Friend look again at the idea of having a complete review of the 1947 Act? A review would mean that the special services performed by the fire service would be taken into account and more resources would be provided for it, which would mean that current resources would be ensured for ever and a day.

Mr. Howarth: My hon. Friend will appreciate that the fire service share of total standard spending for England in 1998–99 has been increased by 4.8 per cent., which compares favourably with the previous three years, when it was 4.2 per cent., 1.5 per cent. and zero per cent. I intend that the priorities of the fire brigade should be properly reflected. In the spirit of central and local partnerships, we are discussing with fire authorities and others the difficulties faced by the fire brigade, but my hon. Friend can rest assured that this service, which performs well, will be given proper priority by the Government.

Fatal Road Accidents

20. **Mr. John Hutton** (Barrow and Furness): What plans he has to review the current law relating to the sentencing of drivers responsible for fatal road accidents. [40282]

The Minister of State, Home Office (Mr. Alun Michael): The whole House understands the devastation and misery caused to any family when members of the family die in a road traffic crash. Severe penalties are available for situations in which the death is the consequence of fault or of the deliberate actions of another person.

Mr. Hutton: I thank my hon. Friend for his reply. Although I acknowledge the severity of sentences to deal with dangerous driving, will he look again at the sentencing options available to the courts to deal with death as a result of careless driving? Will he especially find time to look again at the recommendation of the 1988 North committee report that road traffic offences legislation be amended to allow magistrates courts to take into account the consequences of carelessness, which can result in the death of an innocent pedestrian?

Mr. Michael: The North report concluded that it would be wrong to visit on a driver severe penalties for tragic consequences. It recognised the difficulty of dealing with a case in which the tragic consequences might be much greater than the culpability of the offender. However, I undertake to keep this area of policy under review. We certainly return to the North report, which was a helpful investigation into the handling of the issue.

Community Sentences

21. **Mrs. Helen Brinton** (Peterborough): What proposals he has to ensure that there is an effective range of community sentences available to the courts. [40283]

The Minister of State, Home Office (Ms Joyce Quin): The Crime and Disorder Bill contains proposals that will increase both the range and the effectiveness of community sentences available to the courts. The effectiveness of community sentences will also be enhanced by implementing recommendations from the probation inspectorate and by the lessons to be drawn from the community sentence demonstration projects, which have recently been conducted in Teesside and Shropshire.

Mrs. Brinton: I thank my hon. Friend for her reply. Does she agree that prison is not the answer in every respect, and that the answer could be to build public confidence in community sentencing and to take a judicious view of electronic tagging? With the range of measures available, we might have an effective alternative to prison.

Ms Quin: The new community orders in the Crime and Disorder Bill and an increased use of electronic monitoring will provide sentences that can be used for people who have committed crimes but for whom prison is not the most appropriate form of punishment. The probation service could do a great deal—indeed, probation services around the country have shown themselves willing to do that work—to learn from the "what works" initiative and to introduce challenging, effective and demanding community punishments.

Points of Order

3.30 pm

Mr. Michael Howard (Folkestone and Hythe): On a point of order, Madam Speaker. Today, the Prime Minister made the most extraordinary intervention in the arms for Africa affair. Last week, the Foreign Secretary told the House that, if the United Nations embargo had been breached, it was "a very serious matter" and dismissed suggestions that military intervention might be consistent with Government policy as

"wildly out of touch with reality"—[*Official Report*, 6 May 1998, Vol. 311, c. 726-27.]

Today, however, the Prime Minister made precisely that suggestion, and apparently argued that the end justifies the means.

For the Prime Minister to intervene in that way, when a Customs and Excise investigation into possible criminal charges is still under way, is both astonishing and unprecedented. In those circumstances, have you, Madam Speaker, had any indication that the Prime Minister or the Foreign Secretary—or perhaps both, if their attitudes are to be reconciled—intends to make a statement to the House to clarify those vital matters?

Mr. Dennis Skinner (Bolsover): On a point of order, Madam Speaker.

Madam Speaker: Is this a related point of order?

Mr. Skinner: Yes. When you, Madam Speaker, answer this specific point of order—

Mr. A. J. Beith (Berwick-upon-Tweed): It is not a point of order.

Mr. Skinner: It is probably not, but that is a matter for the Speaker, not for me.

Will you, Madam Speaker, take into account the fact that we do not really need lessons from that discredited bunch opposite about arms and all the rest of it? They were experts in trying to cover up the truth about arms to Iraq, and that applies to most of the Cabinet at the time, so let us get things into perspective. Let us also bear in mind the fact that the same secret services could have been in the same pockets—

Madam Speaker: Order. I am not allowing a debate on this matter. I am fully prepared to answer the right hon. and learned Member for Folkestone and Hythe (Mr. Howard). If I take another point of order, it must be related and I must be able to deal with it. I expect it to be so.

Mr. Nicholas Soames (Mid-Sussex): Further to the point of order raised by my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard), Madam Speaker. *Hansard* shows that, when the Foreign Secretary answered a private notice question in the House last week, I asked him to examine carefully the files from the Ministry of Defence and possibly the Department for Trade and Industry relating to Sierra Leone, and he said:

"I cannot speak for other Ministers or Ministries, but it is not my view that there are substantial files on the matter elsewhere."—[*Official Report*, 6 May 1998; Vol. 311, c. 728.]

That is clearly incorrect. Will you ask the Foreign Secretary to take the trouble to come to the House, explain away that inaccuracy and say exactly what happened?

Mr. Paul Flynn (Newport, West) *rose*—

Madam Speaker: I shall take one more point of order on that matter.

Mr. Flynn: It is on another matter.

Madam Speaker: In that case, I must deal with the original point of order that was put to me by the right hon. and learned Member for Folkestone and Hythe (Mr. Howard).

I have not been informed by any member of the Government that he or she seeks to make a statement on the matter referred to today. I barely need to remind the House that the Prime Minister will be at the Dispatch Box and accountable for what he has said on Wednesday. I have no doubt that Opposition Members will question him on that matter.

I should say to the hon. Member for Mid-Sussex (Mr. Soames) that I have not had a chance to look at column 728 of *Hansard*, but I shall do so. He is aware that the Foreign Secretary and all Ministers are responsible for the comments that they make, but I am sure that those on the Treasury Bench heard what he said.

I now call Mr. Flynn on a separate point of order.

Mr. Flynn: On a point of order, Madam Speaker. You and your predecessors have always ruled that supplementary questions to oral questions must be related to the original question on the Order Paper, and you have silenced hon. Members who have raised matters that were not relevant to the original question. I appeal to you to consider using your power in defence of Back Benchers. I am asking you to intervene not in the daily political point scoring, but in the questions from serious Back Benchers who genuinely seek information on important matters. Should not they be entitled to an answer from the Minister involved that relates to their question? Will you study the final two answers to Question 12 today and consider preventing Ministers from avoiding answering oral questions by giving them an opportunity to answer properly the questions that have been put to them?

Madam Speaker: That was a very original and splendid point of order. I always expect supplementary questions to relate to the substantive questions, and I certainly expect Ministers to tackle them and to give a proper answer. *[Interruption.]* I am told that someone will be disappointed: I hope that it will not be the Speaker.

Orders of the Day

Competition Bill *[Lords]*

Madam Speaker: I have selected the amendment in the name of the Leader of the Opposition.

3.36 pm

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): I beg to move, That the Bill be now read a Second Time.

I am proud to be able to stand before the House to move the Second Reading of the Competition Bill. This is yet another example of the Government's delivering quickly on their manifesto commitments. We are a Government who are clear about our aims, in contrast to the years of drift under the Conservative party.

It is par for the course for a Labour Government to act in the public interest and in the interests of consumers. The precursor to the Monopolies and Mergers Commission was established under the Attlee Government of 50 years ago, so it is fitting that it falls to this Government to modernise and update it. For close on 10 years under the previous Government, the need for and the content of such a Bill were discussed. Indeed, in the year before the last election a draft Bill was published and widely welcomed by, among others, the then Labour Opposition. However, absolutely nothing happened, and the right hon. Member for Wokingham (Mr. Redwood), in his search for any portmanteau criticism, has the cheek to accuse us of dithering.

The Bill will radically reform and strengthen our laws to deal with cartels and with abuses of a dominant position in the marketplace, such as when firms act together to limit choice for customers or to raise the price they face, or both. It is a Bill for consumers, for business and for jobs. It is another step in the creation of strong markets that will make Britain a more competitive economy.

Strong competition in our domestic markets makes for strong British companies that are able to compete and succeed in the global marketplace. It provides a spur to companies to innovate and invest, and builds up the competitiveness that safeguards and creates jobs. As my right hon. Friend the Chancellor of the Exchequer told the European Union in his employment action plan, competitive markets are crucial to creating sustainable jobs in the United Kingdom.

Mr. John Redwood (Wokingham): I am grateful to the right hon. Lady for trying to make clear her intentions in the legislation. As she wants it to be tougher than the present law, will she tell us what current legal business practices she hopes and expects the Bill to make illegal?

Mrs. Beckett: The right hon. Gentleman has repeatedly asked me and the Director General of Fair Trading such vague and wandering questions. As the director general has told him in correspondence in answer to his many questions, the Bill sets the framework in which to inhibit anti-competitive behaviour and the abuse of dominant market share. No one can be expected to give case-by-case definitions, especially not a Minister.

Mr. John Bercow (Buckingham): Why not?

Mrs. Beckett: Because these are matters for the Director General of Fair Trading. That is the Bill's purpose. It is the way our system has always worked and, I hope, always will.

Mr. Chris Mullin (Sunderland, South): Does my right hon. Friend accept that, for many of us, the Bill's acid test will be whether it addresses the sort of abuse that has been taking place in the national newspaper market, with which I am sure she is familiar? The present Office of Fair Trading seems powerless to deal with that. Can she say whether the Bill will make a difference to such abuses? If it does not, we shall have to go back to the drawing board to look for some means to make the Bill effective in dealing with what I think most people understand to be a clear and gross abuse.

Mrs. Beckett: I am grateful to my hon. Friend for his intervention. I intend to deal later and at greater length with that matter. My answer to my hon. Friend is entirely consistent with my response to the intervention by the right hon. Member for Wokingham. I can certainly say that the Bill strengthens competition law. I shall return to that. My hon. Friend asks whether it will deal with a specific case. It is impossible to give such an answer, and I shall give an analogy to explain why.

In its wisdom, Parliament has decided that it is illegal for one person to murder another. However, a Minister may have to respond at the Dispatch Box to an inquirer who asks, "Murder is illegal, and that man Jones is charged with murdering Mrs. Smith. I believe that he is guilty. Can the Minister assure me that, as a Bill has been passed and murder is illegal, Mr. Jones will be found guilty of the crime and sent to gaol?" Of course, a Minister can give no such assurance. It is for the court, judge and jury to decide. Similarly, under the Bill, decisions in specific cases are matters for the independent regulator. I shall return to that matter, and I hope that I shall be able to satisfy my hon. Friend.

Mr. Bercow: Will the Minister give way?

Mrs. Beckett: Perhaps the hon. Gentleman will forgive me if I do not give way, as I intend to return to the matter later.

Mr. Dale Campbell-Savours (Workington): I have heard my right hon. Friend's argument before. I heard it in 1980 from Ministers in Committee on the Bill that became the Competition Act 1980. If it was good enough for the Tories then, I cannot see why it is not good enough for them now.

Mrs. Beckett: I am grateful to my hon. Friend, as I am sure are Opposition Members, for his elucidation.

The Bill is a good measure, and not just for Britain's competitiveness, although that is of huge importance to us all. It benefits ordinary families, as customers and as taxpayers. Customers lose when firms rig the markets

against them. Competition is vital to ensure choice and value, and weak competition law means lower quality at higher prices. Anti-competitive behaviour hits ordinary people and imposes extra costs on family budgets. It hits families as taxpayers.

A secret cartel between laboratory equipment manufacturers was recently broken up by the Office of Fair Trading. As the Director General of Fair Trading said, in the end taxpayers and consumers had to foot the bill for that cartel, because it rigged the market against the hospitals and public bodies that it supplied, as well as against its other buyers. Business and consumers deserve better than that, and they will get a better deal from the Government and the Bill.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Will my right hon. Friend be kind enough to make it clear that the predatory pricing that was employed by some bus companies, which resulted in the immediate bankruptcy of responsible companies, would not be possible under the legislation, and that the Office of Fair Trading would have the right to take immediate action and would not have to wait until, unfortunately, the deed had been done?

Mrs. Beckett: My hon. Friend gives the excellent example that I had intended to quote. Under the present law, while investigation is being undertaken, the Director General of Fair Trading cannot take action. For precisely the reasons that my hon. Friend gives, that will not be the case under the Bill.

At present, our competition regime is often bureaucratic and ineffective, as my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) has just pointed out. The powers to investigate and to uncover evidence even of seriously anti-competitive behaviour are weak. Even when the evidence has been obtained, lengthy and cumbersome procedures have to be followed before such behaviour can actually be stopped.

Nor are there any financial penalties for anti-competitive behaviour—only for breaching court orders once they are obtained—and therefore no real deterrent. Even the most blatant cartels can get away with little more than a slap on the wrist. The laboratory equipment companies to which I referred were not fined by the court because, under our present law, they could not be. They had to promise simply not to do it again. All that will change with the Bill.

Not only is our present law weak and ineffectual, but its methods and approach differ from those of European Union competition law, so UK companies that are large enough to be affected by the EU regime face differing laws, a differing approach and potentially differing judgments on the same competition issues. That means more bureaucracy as well as a sort of double jeopardy.

Therefore, as we promised in our manifesto, both because it is right in itself and because it will simplify the competition regime for British business, the Bill introduces a prohibition-based approach to competition law. That will not only modernise our law, but bring it more into line with the prohibition-based regimes that already operate in the EU and in much of the Organisation for Economic Co-operation and Development. That approach will itself be a far more effective deterrent against anti-competitive behaviour.

Mr. Bill O'Brien (Normanton): Is my right hon. Friend aware of the concerns of people who have made progress in innovation and design, and of the concerns of the Anti Copying in Design Company, which feels that the protection that it needs to ensure that its members can continue to bring forward new designs and innovations is being undermined because of the lack of support or protection under the Bill? Does she accept that we welcome the Bill, but that we believe that there are areas where further protection should be given to individuals who are trying to bring forward new design and innovation?

Mrs. Beckett: I understand my hon. Friend's point. Indeed, I share the concern that he and others have expressed about the effect of such behaviour. Obviously, that matter will be explored in Committee and in other discussions on the Bill. I say simply that we do keep the matter under review. We are in discussion with people who have those particular concerns. We are not, however, minded at present to put such a measure into the Bill, because it is very much a matter of the handling of intellectual property and, as such, its ramifications are much wider than the ambit of the Bill. Also, of course, there is other legislation, such as the trademarks legislation, which can deal with the issue, but we do keep the matter under review, and I am sure that my hon. Friend will ensure that it is discussed as the Bill continues through the House.

Mr. Paul Flynn (Newport, West): My right hon. Friend has been exceptionally kind in giving way. Will she examine medicinal drugs as a special case, recalling that 10 times more people are addicted to medicinal drugs than to illegal drugs and that, every year, five times more people die from the use of medicinal drugs than from illegal drugs? Would she not regard it as an error if we allowed supermarkets to sell medicinal drugs to children at a lower price, which will increase the dangers of those drugs? Is this not a case where the need for open competition is secondary to the needs of public safety?

Mrs. Beckett: That, too, is an interesting, but, if my hon. Friend will forgive my saying so, slightly separate point, although I recognise that it arises under the issue of how we deal with over-the-counter medicines, to which I will also refer later. I say simply that the concerns that he raises are, properly, health and public policy concerns. Whether they should be dealt with during the handling of the Bill is another question. It is a matter of how the sale of medicines is controlled and how it is supervised, which arises wherever and at whatever price such medicines are sold.

Mr. Simon Hughes (Southwark, North and Bermondsey): Will the right hon. Lady give way?

Mrs. Beckett: All right, but I must get on afterwards.

Mr. Hughes: I appreciate the right hon. Lady's giving way.

On a point linked to that raised by the hon. Member for Newport, West (Mr. Flynn)—I heard what the right hon. Lady said—will she at least clarify the Government's present policy on independent community pharmacies? Given the amendment that was passed against the Government's wish in the House of Lords, can the Government say now that, irrespective of references by

[Mr. Hughes]

directors to the restrictive practices court, it is the Government's policy that, irrespective of the main thrust of the Bill, provision will be made to protect community pharmacies against the rigour of a derestricted market? Is that the Government's policy or not?

Mrs. Beckett: If I had had fewer interventions, I might have got further into my speech, and the hon. Gentleman would have had the answer that he seeks. I shall return to the issue later in my speech. I hope that that is not too far away.

There are two principal prohibitions in the Bill. They are modelled closely on the competition rules contained in articles 85 and 86 of the treaty of Rome, which means they can be interpreted consistently with their EC models. The first prohibition introduced by the Bill will outlaw anti-competitive agreements or practices. The current restrictive trade practices legislation was passed in the 1950s and has become ineffective and outdated. Under that legislation, even the most serious cartels can carry on for years. In another recent case, a market-sharing and price-fixing cartel of ready-mixed concrete companies was finally dealt with in the courts more than nine years after first being investigated.

Of course, not everyone attaches the same high priority to protecting competition. We have heard a number of scare stories claiming that the Bill will interfere with perfectly harmless business practices; no doubt that will be explored as the Bill goes through the House. Of course, the new prohibition will not apply at all to harmless agreements; it is the present legislation which ties up many such agreements in legalistic knots. I am told that currently well over 10,000 agreements have had to be registered with the Office of Fair Trading, although they are not significant in competition terms. About 6,000 of those have been added to the register since 1989. All that is unnecessary work for the authorities and for business.

The prohibition will focus on agreements that actually damage competition. We recognise that some agreements that are restrictive can nevertheless have beneficial effects overall, so the Bill sets out the criteria on which such agreements may be exempted. Some categories of agreement will be exempted on a block basis; others may be exempted individually. Added to that, any agreement that is already exempted under article 85 will automatically be exempted from the new prohibition. That should keep regulatory burdens to a minimum, and it further demonstrates the value of a domestic prohibition operating consistently with EC rules.

The second prohibition will outlaw abuses of a dominant market position. The present laws for investigating abuses by monopolies will continue to be useful in some limited circumstances in the future, but they have serious weaknesses. They provide little or no deterrent against dominant companies that bully their competitors and exploit their customers. Serious anti-competitive behaviour by monopolists can go unchecked throughout often lengthy investigations, while competitors can be forced out of business.

My hon. Friend the Member for Crewe and Nantwich referred to Southdown Motor Services, which was driven out of business by the anti-competitive actions of a rival company, even while the OFT was investigating its complaints. It was said at the time that the case illustrated the need for a power to grant interim relief during investigations, but, by then, the damage had already been done.

As there are no powers to impose penalties at the end of investigations, firms that are damaged by proven anti-competitive behaviour can get no recompense. The new prohibition will put right those shortcomings.

The Bill comes to this House with a third prohibition, added in the other place. It relates to the issue raised with me by my hon. Friend the Member for Sunderland, South (Mr. Mullin)—the prohibition of abuse of dominance specifically targeted at the newspaper sector. Much that has been written about this issue is just plain wrong. At the outset, the allegation was extensively made that the Bill weakened the law on competition—in particular, that it weakened the law as it would apply to newspapers owned by Mr. Rupert Murdoch, and that it did so because of the Government's desire to favour Mr. Murdoch. Understandably, that aroused great concern. Unfortunately for the merits of that argument, the Bill strengthens competition law across the board, not only for the newspapers, and it does not in any way, shape or form discriminate in favour of Mr. Murdoch or in favour of any other newspaper proprietor or group.

In strengthening competition law, the Bill strengthens the law against predatory pricing and other abuses of a dominant market position, whatever the market. Article 86, which the Bill follows closely, prohibits a dominant market position being abused by the use of predatory pricing—so, too, will the Bill. Clause 60 states explicitly that, in interpreting those terms in all markets covered in the Bill, our law must follow European jurisprudence and have regard to clarifying policy statements from the European Commission.

In previous court cases, for example—particularly that of Tetra Pak—the European Court of Justice ruled that predatory pricing should be presumed if prices were shown to be below the average variable cost of production. It would be a mechanistic test, without any requirement to prove intent—which, of course, contrasts with the current position, in which the director general has to seek to demonstrate intent if predation is to be proved.

Conduct is to be regarded as predatory even if prices are above average variable costs, but still below total average costs, if it can be established that the purpose of that conduct is to eliminate a competitor. That principle, too, will apply under the Bill, as will the principle that dominance exists when a company is shown to be able to act independently of its competitors.

Therefore, although those matters can and will be considered in Committee or on Report, I hope that the House will accept as mistaken the first underlying premise of the case that some have made—that the Bill weakens competition law.

Several hon. Members *rose—*

Mr. Tam Dalyell (Linlithgow): I understand that one really will have to brood over *Hansard* before understanding the matter fully. However, before we go any further, I should like to ask whether the links between the markets in which, for example, BSkyB operates and the market for daily broadsheet newspapers are sufficiently close to constitute special circumstances,

justifying the application of article 86 in relation to defendants holding dominant positions. I realise that it is a delicate question, but I wonder whether the Secretary of State will comment on an issue with which she is familiar.

Mrs. Beckett: As my hon. Friend is aware, I must be wary of being drawn into the issue of the merits of any specific case that is yet to be decided. However, I think that he also knows that it has been ruled in case law that an abuse existed when success or strong market share in one market was said to have put a particular company in a position to use its market strength in that market to undermine behaviour in a separate market. Some of the issues have therefore been considered, and there are examples in which such a position has been thought to create prima facie evidence of something that should be investigated.

Mr. Quentin Davies (Grantham and Stamford): At the beginning of the debate, why was the right hon. Lady so coy and evasive in answering the question of my right hon. Friend the Member for Wokingham (Mr. Redwood), who asked whether the Bill will in any way specifically strengthen competition policy? She would not answer that question. Now, however—10 minutes later—she is telling the House that, in one sphere of predatory pricing, the Bill will strengthen competition policy compared with the previous regime. She cannot have it both ways. Will it or will it not?

Mrs. Beckett: With respect to the hon. Gentleman—he clearly was not hanging on every word of the right hon. Member for Wokingham in quite the way that I was—that was not what the right hon. Gentleman asked me. Undoubtedly and clearly, the Bill will strengthen competition law.

Mr. David Winnick (Walsall, North): I notice that there is absolutely no mention of the position of Mr. Murdoch and *The Times* in the amendment tabled by the official Opposition, which is interesting.

Does my right hon. Friend agree that what is really required is effective legislation? From her comments, one hopes that the point will be taken that it is wholly undesirable that *The Times* should deliberately undercut other broadsheets, undoubtedly to drive them out of business. Although no action on the matter was taken by the Conservative Government—who never dreamed of taking such action—one hopes that action will now be taken by a Labour Government. If the situation continues, *The Independent* will go out of business—which would not be desirable if that happened purely and simply because of pricing mechanisms and undercutting by *The Times*.

Mrs. Beckett: Again, I must not be drawn on the merits of a specific case, especially one on which the Director General of Fair Trading has recently invited input from those who are complaining. The director general is currently considering whether, even under present legislation, some of the matters to which my hon. Friend referred should be investigated. The Bill certainly strengthens the director general's effectiveness in those and other matters.

Mr. David Chidgey (Eastleigh): The President of the Board of Trade will accept that this is a complex area and that I will have to study what she has said in *Hansard* in more detail, but is she not concerned that the former Director General of Fair Trading, who is universally recognised as a formidable legal expert in such matters, said that the amendment that she referred to was essential to prevent the predatory practices of which she spoke? Does it not occur to her that, even if the amendment proves to go further than necessary, having it in the Bill will give us the belt and braces that we may well need? Does it not concern her that Mr. Murdoch is apparently happy with the Bill without the amendment, but unhappy with it as amended?

Mrs. Beckett: I do not know what gives the hon. Gentleman that impression. I am afraid that I am not familiar with Mr. Murdoch's thoughts on the matter. Of course, I have the utmost respect for my noble Friend Lord Borrie—indeed, we have sought his advice, and taken it, on previous occasions—but, sad to say, it is not given to all of us in this vale of tears invariably to agree, and, on this occasion, we are not wholly persuaded that the amendment is appropriate, for reasons that I shall give later.

Mr. Giles Radice (North Durham): Is my right hon. Friend saying that, if there is a case of predatory pricing in the newspaper industry, as in other industries, the combination of clause 18, which concerns the abuse of a dominant position, and clause 60, which brings British law into line with European case law, will be sufficient to deal with it? Will she confirm that, in accordance with Pepper *v.* Hart, her statement today would be taken into account in a court of law if there were any ambiguity about the legislation?

Mrs. Beckett: I can certainly confirm the latter point: Ministers' statements would indeed be taken into account by the courts. I can also confirm that the combination of clause 18, with its prohibition of abuse, and clause 60, which brings European jurisprudence into effect here, makes the Government believe that the Bill is already so strengthened that, even if there were no other defects in the amendment made in another place, it would not be necessary in order to make for sound and strong competition law.

Mr. Bercow: The right hon. Lady is coming under fast and furious attack from Labour Members. I ask her to comment not on the merits but simply on the facts of the case. Will she confirm that the profits from the television interests of News International, including BSkyB, do not in any way subsidise any of its newspapers? That is the fact of the matter, for the confirmation of which, from the mouth of the President of the Board of Trade, I and the House would be immensely grateful.

Mrs. Beckett: I am afraid that I will have to disappoint the hon. Gentleman. Whether that is a fact is not a matter for me in the context of this debate. I specifically declined earlier to be drawn into a discussion of the structure of the companies owned by Mr. Murdoch, and I do not intend to be tempted into one now. I will simply say that the Bill strengthens competition law, and the possibility of action against predatory pricing in any market. European jurisprudence and case law also cast light on the way in

[Mrs. Beckett]

which these matters might be examined in different markets. Further than that I am not able or prepared to be drawn.

Mr. Bercow: The right hon. Lady should be.

Mrs. Beckett: If the hon. Gentleman really thinks that, he has not the faintest understanding of the role of a Minister who is dealing with legislation of this kind—although that will probably never be of any consequence.

In some quarters, the question whether the Bill weakens competition law—the premise on which the original debate began—seems to have become less important. The debate became inflamed by suggestions that the Bill was being used specifically to advantage Mr. Murdoch. I hope that I have comprehensively knocked those allegations on the head. Some have moved on to suggest that the Bill should be a vehicle specifically to disadvantage him.

To all who may stray towards advocating that point of view—whether or not they are my right hon. and hon. Friends—I must say in all sincerity that that is not the purpose for which we were sent here. We were sent here to make good law, sound law and fair law, to the best of our ability and understanding. We were certainly not sent here to do special favours for any individual or group; but nor were we sent here to use the vehicle of law to single out any individual or group.

I am advised that the amendment made in another place is unworkable in law and practice, and there is a basic flaw in the case put by those who advance its merits. That flaw is simple and clear, but seems not to be addressed by the vast bulk of the arguments in favour of the amendment. It is this: in the end, these matters fall to the judgment of the independent competition authorities, such as the Director General of Fair Trading, and the Monopolies and Mergers Commission. Under the law as it stands, as we propose it and as the amendment that was carried in the other place proposes, what matters in the end is the judgment of the Director General of Fair Trading.

Mr. Redwood *rose—*

Mr. Chidgey *rose—*

Mrs. Beckett: Let me make one more point.

I accept that some of those who have followed the matter closely recognise that that is the case. Consequently, attempts have been made—no doubt they will continue to be made as the matter is examined in detail in Committee—to redefine the law specifically relating to newspapers, in order almost to direct the judgment of the director general in the matters under discussion.

Again, that will be no easy task. Cross-subsidy, special promotions and special agreements are rife in the newspaper industry: they always have been, and probably always will be. There has seldom been a better example of the danger of throwing the baby out with the bath water. In fact, it is precisely because it is so difficult to define these matters in legislation that the ultimate test lies in the judgment of an independent regulator.

Mr. Chidgey: The right hon. Lady is absolutely right to say that these matters fall to be determined by the Office of Fair Trading. However, does she accept that the two previous cases brought to the OFT—I am sorry to return yet again to News International, but it is a case in point—failed in the final analysis? I understand from the former director general that those cases failed not because there was no case to answer, but because legislation failed to give enough clear guidance to the director general. That is precisely why there is a call for the Bill to include specific and clear guidance. Does not the Secretary of State accept that the OFT must have guidance to allow it to perform its correct function?

Mrs. Beckett: With respect to the hon. Gentleman, let me remind him that some of those who wish to focus on that particular case argue that the behaviour to which objection has been taken is, in their judgment, proven to be predatory, because it has continued for a considerable time. They argue that that makes the matter different. If it makes the matter different, it makes the matter different; that does not necessarily substantiate the case that the law cannot deal with it in some way.

As I mentioned a moment ago—it is one of the reasons why I am being, I hope, sufficiently cautious in what I say—the director general has asked for information that may substantiate a complaint. While he is still considering the issues, it is too early to say that he is not able to deal with them under existing law. We do not argue that. All we argue is that, if the existing law is too weak in a variety of ways, the Bill strengthens it in a variety of ways. There is nothing in the argument that the Bill makes the position worse. There is substantial evidence to suggest that it strengthens the position.

As I said when the hon. Member for Eastleigh (Mr. Chidgey) intervened previously, there is a separate problem with the amendment carried in another place. Unlike the Bill's basic provisions, which seek to prohibit illegitimate behaviour by dominant players, the amendment applies to any conduct, legitimate or illegitimate, that may reduce the diversity of national newspapers by reducing competition. A strong newspaper that, by good journalism, establishes a good circulation and so prevents, or reduces the chance of, new entrants, or endangers the survival of failing papers, would fall foul of the amendment. That runs the risk of artificially freezing the newspaper industry as it stands.

As practically any established national newspaper will hold substantial market power—the test proposed in the amendment—the regulator would be given almost unlimited power to intervene to regulate the national newspaper market. The amendment ends up by being based not on anti-competitive behaviour but on giving the state the power to control how national newspapers behave. We believe that the amendment is either contrary, or not related, to the Bill's aims, so the Government must seek to remove it.

A second, much publicised issue will be thrashed out in Committee: the resale price maintenance of over-the-counter medicines.

Mr. Redwood: I am grateful to the President of the Board of Trade for giving way before she moves on from these interesting exchanges on the so-called Murdoch amendment. I was grateful to her for helpfully spelling out more of the thinking behind how the rules and the law would apply. Can she give us just one more piece of

guidance? I appreciate that she does not want to answer about whether a particular newspaper sold at a particular price on a particular day of the week is or is not predatory. However, if a newspaper, or any other company, decides to sell its product on one day at a much better discount than it sells it in the rest of the week, will her test on the relationship between price and cost apply to the average over the week or day by day? It is most important for newspapers to know that before the law comes into being.

Mrs. Beckett: That is a most interesting question, and I am sure that the director general is puzzling over it even as we speak. I do not intend to pronounce on it, because it is exactly the sort of question that he has to assess and is paid to judge, and which I am specifically paid not to try to judge but to pass to him, as I do.

Mr. Ian Bruce (South Dorset): Will the right hon. Lady give way?

Mrs. Beckett: I should be grateful if the hon. Gentleman would be brief, as this is about the 16th intervention.

Mr. Bruce: The right hon. Lady has been very generous. I have a general point that concerns a genuine request for information. The all-party European informatics market group has done several studies of regulation, particularly of telecommunications. We and industry keep coming to the conclusion that the Government should give regulators a general power. That coincides with what the European Union and the Government are trying to do. The Bill has more than 110 pages of complicated clauses, and is likely to catch the unwary. The more that is written, the more loopholes are created. That allows those who want to use predatory pricing to find loopholes. Surely it is better for the Government to give general rather than specific powers.

Mrs. Beckett: That is precisely what we have done. The Bill's length results from the range of issues with which it deals. Its whole purpose is to set the right framework of law within which an independent regulator can operate. The hon. Gentleman's strictures about the dangers of writing too much in detailed definitions should be applied to those seeking to amend the Bill; their amendment would create the dangers to which he referred. We do not believe that that is the case with the Bill as presented to the House.

On the issue of resale price maintenance of over-the-counter medicines, the purpose and effect of the amendments carried in the other place are to remove price fixing in the sector from competition scrutiny, either under the relevant existing law, or under the prohibition in the Bill, until 2004. I am aware of and sensitive to the fears that have been expressed by pharmacists for their future if resale price maintenance is abolished, and more than conscious that those anxieties are bound to find an echo in the House. However, I hope that hon. Members on both sides of the House know that the Director General of Fair Trading and bodies that have investigated the issues in some depth, such as the Consumers Association, do not agree or accept that all small pharmacies depend on the maintenance of such a price regime. They argue, first, that there are better ways of targeting any support that small pharmacies need and, secondly, that fixing prices for medicines is an extra charge on those who need them most.

The restrictive practices court exists precisely in order to examine such arguments and decide whether an exemption continues to be justified. In the amendments carried in another place, the House is being asked to accept that these businesses and they alone should be able to fix their prices without any possibility of review by the competition authorities for several years hence. The Government are not persuaded by those arguments.

Mr. William Cash (Stone): Will the right hon. Lady be kind enough to comment on the problems of doctors' surgeries in rural areas? As she knows, there is a monopoly that prevents people from being able to practise within one mile of an existing pharmacy. Will she consider making an amendment to the Bill to deal with that long-standing and completely unnecessary monopoly?

Mrs. Beckett: With respect, no. The hon. Gentleman makes an interesting and important point about a matter that is much discussed—indeed, when I was shadow Secretary of State for Health, I was involved in discussing it—but it is not a matter for the Bill or for me. It is a matter of general health policy and how that should be decided.

Mr. Simon Hughes: The right hon. Lady was good enough to say that she would come to this matter, and she has given a clear answer. I realise that the matter is one which crosses Departments, involving not only the Department of Health, but the Scottish Office, the Welsh Office and the Northern Ireland Office, but will she at least give the House the Government view that retaining a network of community pharmacies is as much Government policy as retaining a network of community doctors and community dentists?

Mrs. Beckett: Yes. I am grateful to the hon. Gentleman because, in asking in that question, he has anticipated my speech by about one and a half paragraphs.

There is no doubt that the Government strongly support and care about community pharmacies. As I am sure the hon. Gentleman is aware—or perhaps, given his constituency, he is not—many small rural pharmacies already receive support under the Department of Health essential pharmacy scheme. My right hon. Friend the Secretary of State for Health has made it clear how important community pharmacies are to his vision of health in the next century.

There is no doubt that the Government support and are a strong defender of rural or community pharmacies. However, we are extremely mindful that, if critics of the present regime are correct, all families—especially many low-income families—are paying an artificially high price for their medicines. A recent Consumers Association survey of 2,000 people showed that 13 per cent. were unable to afford certain medicines. A report commissioned by the community pharmacy action group estimates the cost to the consumer of keeping resale price maintenance for over-the-counter medicines at between 6p and 10p per week.

That does not sound like much, but I am advised that it amounts to £180 million a year; therefore, if the amendment were to stand, the cost to the consumer over the five years in which investigation of the matter was debarred would be more than £900 million. That is a

[Mrs. Beckett]

substantial sum in anybody's language. It is the argument that people should not be required to pay that sum which leads to the view the Government take on the matter.

By contrast with the current regime, the powers of investigation and enforcement in the Bill are unquestionably tough—and rightly so, if they are to provide an effective deterrent and to enable the worst offenders to be rooted out and dealt with. The vast majority of businesses work hard to be competitive, and they and their customers deserve effective protection from the few who cheat and bully.

Once the prohibitions are in place, anti-competitive agreements and abuses of dominance will be unlawful from the outset. There will be the possibility of financial penalties of up to 10 per cent. of UK turnover for the worst offenders, and the director general will be able to impose interim measures to bring to an immediate stop seriously anti-competitive behaviour while a full investigation is carried out.

While the director general will have primary responsibility for enforcing the new regime, as under the current monopoly laws, the utility regulators will have the same powers as the director general within their special areas so that they can bring their expertise to questions of competition law in the sectors that they regulate.

The director general will have rights to demand information. Where there are reasonable grounds, he may make unannounced visits to the premises of suspected infringers to seek evidence of cartels or other anti-competitive behaviour. In certain cases, he will be able to obtain a warrant allowing forcible entry. In normal circumstances, the director general will not need to use those powers to get the information that he needs, but cartels are, by nature, secretive and cautious, so strong powers are necessary to root out the worst offenders and to ensure that evidence can be obtained before the relevant documents can be hidden or destroyed.

While the director general will be the principal means of enforcement, the Bill also introduces important new rights for firms and customers who have been on the receiving end of anti-competitive behaviour. Companies and individuals who have been harmed by infringements of the prohibitions will be entitled to seek damages in the courts.

Obviously, such a tough regime must go hand in hand with fairness and transparency to command confidence, so it must go hand in hand with the safeguard of a full right of appeal. Appeals against the director's decisions will be made to an appeals tribunal established within a new body—the Competition Commission—and further appeal on points of law or the level of penalty can be made to the Court of Appeal. It is also important that consumers should have a clear voice under the new regime, so that they and organisations representing them will be able to appeal to the Competition Commission against decisions made by the director general.

It is vital that decisions made by the director and the tribunal are clearly explained, so they will have to publish reasoned decisions, which will serve to explain more widely the application of the prohibitions.

The director and the regulators are already working jointly on guidance and will publish guidelines for their own sectors to cover a wide range of issues, such as the definition of relevant markets and the behaviour that is likely to infringe the prohibitions. The guidelines will be in place well before the prohibitions come into force, to give businesses the maximum opportunity to adapt to the new rules. We will also table amendments to the Bill to help businesses make the transition to the new regime.

Mr. Andrew Miller (Ellesmere Port and Neston): I am grateful to my right hon. Friend for giving way. I have been listening carefully to her remarks. The factory outlet village in my constituency, which has attracted 3 million consumers in its first year of operation, has expressed the fear that the draft guidelines will impose constraints on its business. Will my right hon. Friend give assurances that, if it is clear that the consumer has expressed a choice by making purchases in certain venues, those institutions will be properly protected?

Mrs. Beckett: I know that my hon. Friend will understand that I cannot comment on the circumstances of a particular factory shop. It is clear in the Bill and the guidance that the measures are intended to prohibit anti-competitive behaviour, but corresponding offsetting benefits can be taken into account. The Bill allows for the exclusion of circumstances such as those mentioned by my hon. Friend.

Mr. Oliver Letwin (West Dorset): Will the right hon. Lady give way?

Mrs. Beckett: No, I had better finish, Madam Speaker, or you will have me thrown out of the Chamber for taking too long.

Most agreements that would have to be registered under existing legislation, but are made after Royal Assent will no longer need to be notified to the Office of Fair Trading. Information on that will be made available soon.

Harmless behaviour will not be caught by the prohibitions in the first place, and smaller firms will benefit from the provisional immunity from penalties for minor agreements and practices.

The Bill's general approach of controlling behaviour only when it is anti-competitive is one which we intend also to apply—although with certain changes in procedure—to so-called vertical agreements, whereby firms make arrangements with others up and down the supply chain; for example, with suppliers in one direction and retailers in another. For example, a retailer agreeing to specialise in selling just one manufacturer's product would be a vertical agreement.

The majority of vertical agreements do not give rise to competition concerns, but the mechanism could in principle be used to rip off customers. Here, too, it is the practical effects of such agreements which matter. Elsewhere in Europe and in this country, these issues are under continuing study to see whether and, if so, to what degree block exemptions or other special treatment may simplify this area of the law—a matter on which we are still consulting. What matters is protecting the customer from exploitation while minimising the hassle for efficient businesses competing fairly in an open marketplace.

There has been widespread consultation about the Bill and a wide general welcome for its approach—from the business community, from competition lawyers and from bodies such as the National Consumer Council.

The view of Her Majesty's Opposition is still unclear, however. Not for the first time, some confusion reigns. The shadow President of the Board of Trade has tied himself and his party in knots. To be fair to him, aligning our law with EU law probably unhinges him a bit to begin with, but in the summer he was against the Bill, in the autumn he was against some of it—but not the bits that his party kept promising to do—and now: well, I am not at all sure where he stands now.

Where do the Tories stand on paralleling article 86 on abuse of a dominant market position or on predatory pricing? Some of his Front-Bench colleagues have said they will support Lord McNally's amendment, but the right hon. Member for Wokingham has opposed introducing the prohibition on which it is based, and the Conservative amendment says nothing about it. Although he is on record as opposing that part of the Bill, he is supposed to be in favour of unfettered competition—although he may or may not support the Bill in general.

Almost the entire Tory motion is about restricting competition—about keeping price controls for over-the-counter medicines—and it seems to be all about health policy, not about competition policy at all, yet the company that has most publicly challenged price fixing in OTC medicines is headed by a Tory Back Bencher and senior campaign adviser to the Leader of the Opposition, the hon. Member for Tunbridge Wells (Mr. Norman)

What is also surprising about the right hon. Gentleman's approach is that, when the Tory party had responsibility for these matters, they proposed, in their draft competition Bill last year, exactly the same approach as this Government are advocating—allowing the present proceedings to continue, but giving the practice an extended transitional exclusion if the courts confirm that the practice is, after all, considered to be in the public interest.

I am afraid that there is no consistency and no policy behind the Opposition's approach to the Bill: there are only opportunism and irrelevance. The benefits of our proposals are clear, and they have been widely welcomed. They will deliver modern and effective competition law, which works in harmony with the European rules with which so many of our companies are already familiar.

We have carefully balanced stronger powers to investigate and crack down on anti-competitive behaviour, on the one hand, with proper safeguards and a full appeals procedure on the other. We have consulted widely and listened carefully to the comments that we have received. The net result is a Bill which will strengthen our competitiveness and bring major benefits to consumers and business alike.

Indeed, only last month the Director General of Fair Trading referred a suspected cartel on route sharing and fare fixing arrangements in bus transport in the north-west to the restrictive trade practices court for investigation. When doing so, he commented that the investigation could have been conducted far more quickly had he had the strengthened powers of investigation provided under the Bill, and that, under this legislation, not only would such agreements be prohibited but those party to them could be fined.

The changes that the Bill brings are important, and they are long overdue. I commend the Bill to the House.

4.28 pm

Mr. John Redwood (Wokingham): I beg to move, To leave out from "That" to the end of the Question, and to add instead thereof:

"this House declines to give a Second Reading to the Competition Bill *[Lords]* because the Government has failed to spell out the consequences for a whole range of business that will result from this legislation, and specifically has failed to tackle the problem of independent community pharmacies; expresses its concern at the decision of the Office of Fair Trading to commence legal proceedings to end retail price maintenance on over-the-counter medicines at a time when the Government is already seeking to review this agreement in the Bill; notes that the loss of retail price maintenance on over-the-counter medicines could lead to the closure of many independent community pharmacies, an outcome which would seriously undermine the Government's health strategy and increase the burden on GPs; and calls on the Government to ensure that a nationwide network of community pharmacies remains in place to serve the needs of the community, in particular the elderly, the infirm and mothers of young children, before proceeding with the Bill."

I am grateful to the President of the Board of Trade for setting out what she thinks the Bill is about. It will be our task, now and in Committee, to try to help her thinking a little more, because the Bill is a muddle, a rag bag, a mess, a mint with a big hole in the middle, a Bill in search of a policy.

I remind the House that I have declared two interests to the Registrar of Members' Interests: first, I am married to a senior executive of British Airways; and, secondly, I write an occasional column for *The Financial Mail on Sunday*. In view of the exchanges during the speech by the President of the Board of Trade, I am relieved that it is not an occasional column for *The Times* or *The Daily Telegraph*. I assure the House that of course that will not influence my decisions on the Bill, which will be motivated by the general public interest.

The President of the Board of Trade provides good evidence of a Government out of control of their policies. That is topical, because we see a Foreign Secretary who does not know what is going on in Sierra Leone and a President of the Board of Trade who probably had some papers on the Sierra Leone issue but who would doubtless tell us that she, too, knew nothing about it. Now here the right hon. Lady is, in charge of a piece of legislation that simply does not answer the most elementary of questions about the impact that it would have were it to complete its passage through Parliament.

The President of the Board of Trade is unable to tell us whether the Bill would make some practices in the newspaper industry legal or illegal. She is unable to tell us whether many industries and their practices will be exempted. She is unable to tell us how the Bill would be applied, were it to become law, and she tries to delegate everything to the Director General of Fair Trading.

It is not the task of the House to enact very general rules and to pass them all to quangos or to Brussels for their implementation. It is the task of the House to consider the issues, to consider whether the law is adequate or needs improving, and to spell out to businesses and individuals in this country the impact of any proposed changes to the legislation.

The President of the Board of Trade began by congratulating herself on the speed with which she was moving to implement the manifesto pledge. I am surprised that she should draw attention to the timetable issue; in fact, the Bill has been considerably delayed. On three

[Mr. John Redwood]

separate occasions we were alerted to the return of the Bill to the House for its Second Reading, and each time we were disappointed. It has eventually emerged today. The right hon. Lady might like to tell us whether that was the result of pressure of other business; I suspect the reason was that she and her colleagues were finding it extremely difficult to come up with any answers to the many questions that I—and industry and commerce—have laid before her.

Those questions are perfectly reasonable. Is the practice that we are following reasonable? Could it continue? Will the existing relationships between pubs and brewers continue or be changed? Are the existing arrangements for newspaper distribution reasonable, or will they be disrupted or changed by the Bill? If the right hon. Lady cannot answer those simple, legitimate concerns of all those businesses, why is she returning the Bill to the House in this state now? Why does she not spend a little more time reconsidering the matter and trying to answer some of those fundamental points before bringing legislation before the House?

Mr. Mullin: Will the right hon. Gentleman answer one simple, legitimate concern? Does he think that the Bill should outlaw the practice of predatory pricing in the national newspaper industry—and if he thinks it should, does it?

Mr. Redwood: I think that the current legislation makes predatory pricing—in the newspaper industry or any other industry—illegal, and I think the Bill, amended or unamended, would also make it illegal. In the Opposition's view, the issue is not whether the law makes predatory pricing illegal, but whether a case of predatory pricing can be brought and sustained under any version of the law—old or new.

That is why the exchanges with the President of the Board of Trade were both important and unsatisfactory. As I said to her, I was genuinely delighted that she went some way to clarifying how predatory pricing would be judged in that very sensitive case, but she did not deal with the most important question: is it reasonable to sell a newspaper at a very attractive price on one day of the week and at a higher price on other days of the week—will she average out the price or consider it day by day? Unless she can answer that question, we must assume that she is trying to duck the question which most interests many of her Back Benchers and which will most interest many people outside the House as they read their daily newspapers tomorrow.

Mr. Dalyell: How does the right hon. Gentleman answer his own question?

Mr. Redwood: I have already answered the question. I do not believe that a case of predatory pricing has been proven, and I am not proposing a change in the law. Her Majesty's Opposition are happy with the law as it stands, before the President of the Board of Trade blunders in with her new legislation. We made our own statement of what the law should be when we were in government. We left a mechanism for deciding predatory pricing cases. Cases were brought. No predatory pricing was found. If there is now new evidence suggesting that there is predatory pricing, the case should be brought to the competition authorities and properly investigated.

My answer to the hon. Gentleman is clear: we would keep the law as it stood. We think that, in regard to newspapers, the issue concerns proof, evidence and opinion about the nature of such practices, rather than the adequacy of the legislation. For that reason, my hon. Friends and I will not support the amendment in the Bill as it stands: we will leave it to the Government to try to sort out the mess that they have created by trying to change the law.

Mr. Ian Bruce: As my right hon. Friend said earlier, the Government must have a shopping list of the practices that they hope would be outlawed under the Bill, but we have not been given it. The Minister for Competition and Consumer Affairs told us before the general election that, when he became Minister, he would slash the prices of white goods and brown goods in the shops by Christmas, because terrible things were happening that did not allow a competitive market. We have not heard even that from the Minister recently.

Mr. Redwood: My hon. Friend is right. Many people were disappointed that the Minister did not keep his word on so crucial an issue. The Bill will be another example of Labour Ministers saying one thing and delivering something entirely different.

Mr. Bercow: Can my right hon. Friend name a single Government Back Bencher who has this afternoon supported the position taken by the President of the Board of Trade on predatory pricing? If he cannot, does he agree that the debate provides further confirmation of the fact—to which the hon. Members for Walsall, North (Mr. Winnick) and for Linlithgow (Mr. Dalyell) bear witness—that the Labour Benches are still peppered with the representatives of old Labour who loathe anyone who is entrepreneurial enough to make a profit in a free market?

Mr. Redwood: With the single amendment that I did not hear any Labour Member support the Government on predatory pricing in the newspaper industry, I would agree with my hon. Friend, who makes his own point.

Mr. Winnick: Do I take it that the right hon. Gentleman is satisfied with the way in which *The Times* undercuts other broadsheets? If so, he should spell that out. There is great dissatisfaction among Labour Members and in the country about what is happening. Is the right hon. Gentleman indifferent to the way in which *The Times* is undermining and undercutting its rivals?

Mr. Redwood: In due course I shall make a positive suggestion about what the Government could do. It is not the job of the Opposition to settle such matters. It is the job of the President of the Board of Trade. I am unhappy to discover today that it is yet another piece of her job that she does not want to do. She finds it too difficult, so she is trying to put up smokescreens and delegate the matter to a new authority.

Mrs. Beckett: I do not know whether the right hon. Gentleman was not listening to his own words, but I noticed

that, in answer to my hon. Friend the Member for Sunderland, South (Mr. Mullin), he said that he had an opinion but that the matter was one for the competition authorities. That is precisely what I said. It is the responsibility of the Secretary of State and the director general respectively.

Mr. Redwood: It is incumbent on a Government who propose a new law and a new set of rules to set out the rules that they want implemented. The previous Government did set out the rules under which such cases would be judged. For that reason I was quite in order to say what I did, which is entirely different from the proposition that the right hon. Lady is putting to the House for her new legislation.

Mr. Mullin: Further to the comments of the hon. Member for Buckingham (Mr. Bercow), does the right hon. Gentleman accept that what interests us is not people making a profit in a free market, but people making a loss in a free market, for five years? Although the accounts of News International are not particularly transparent, the chairman of News International told me that the loss so far from the company's involvement is approaching £75 million.

Mr. Redwood: The hon. Gentleman has made his own point. He clearly has his own disagreement with the Government, of which we shall hear more later.

The right hon. Lady and her colleagues have claimed that the legislation is necessary in order to create symmetry with European law. It has been said that the Government believe that there is a great practical advantage in ensuring that the United Kingdom domestic provisions are interpreted so as to avoid inconsistency and potential conflict with the Europe-wide prohibition.

At first, I thought that that was the Government's main intention. However, when I read the Bill, I discovered that it, and the proposed British law, will differ from European law in three important respects. That was confirmed by the Minister of State in another place. The Government have issued all sorts of conflicting statements about whether our law will be subsumed by European law, whether they will adopt European law here, or whether there will be two parallel—and perhaps conflicting—systems.

I shall trouble the House with several quotes from the Government on this subject. On one occasion, we heard:

"We are not importing the EC system 'lock, stock and barrel'".

That implies that there will be two bodies of law and the potential for conflict and disagreement will remain. In another statement, we heard:

"Business can look to EC jurisprudence as a guide to how the UK prohibitions will be interpreted".

That suggests that the laws will not be exactly the same, but, if we get one right, we will probably get the other right also. In a more detailed statement, a Minister said:

"The language in subsection (2) of the governing principles clause"—

of this legislation—

"is very tight and does not enable those applying the prohibitions any discretion to depart from EC jurisprudence".

That means that the laws are exactly the same and that the purpose of the legislation has been met. In a fourth statement, a Minister said:

"Those applying the prohibitions will therefore be under a 'continuing' obligation to seek no inconsistency with EC jurisprudence in the process of making such extractions. It will simply not be possible to make an unqualified transposition in all cases."

Those are four very different statements from the same Government. We could perhaps understand Ministers becoming muddled about such a complicated matter and making slightly different statements. However, the extraordinary thing about these statements is that they come from the pen or the lips of the same Minister: the Minister for Trade and Competitiveness in Europe, Lord Simon of Highbury. It is even more stunning that those four conflicting views about how the two types of legislation and jurisprudence will work are advanced in the same letter from Lord Simon of Highbury.

The Bill was meant to sort out that problem. Ministers warned of tension or conflict between European jurisprudence and British competition law, so they advocated introducing a British law based on European models, in order to alleviate such conflict. We have now learnt from the Minister that the two jurisprudences are deliberately different in three areas, and that, in the other areas, the Government may not import the European system lock, stock and barrel or they may frame the legislation very tightly. The Government may follow the EC jurisprudence, or they may say that that is not possible in all cases.

What a complete muddle. It is a charter for lawyers and for chaos and confusion throughout British industry. Pity the poor business man who is trying to sell in a very competitive market, with sterling too high, interest rates run by the Government's monetary committee and manufacturing in recession. He must now face another massive complication in the form of this muddled legislation. If the Bill is passed unamended, he will not know whether he is operating under European or British law on any occasion.

In Committee, we shall want to know what the Government's policy is. How much overlap will there be? When will European law apply and when will the new British law apply? Can businesses have a guarantee that, if they meet the British requirements, they cannot violate the European requirements? Will Ministers give businesses an indemnity so that, if they meet the British requirements, they will be free of the consequences of any action in Brussels? Surely Ministers owe businesses that reassurance at least if they must go through the hassle of trying to comply with this very complicated new legislation.

The Government seem to take delight in plunging business into uncertainty. Not happy with imposing £25,000 million in extra taxes over the lifetime of the Parliament and not happy with creating boom and bust at the same time—boom for services and bust for manufacturing, with manufacturing in recession—*[Interruption.]* Labour Members think that it is funny that manufacturing is in recession. Many manufacturers in this country not only want the Opposition to speak on their behalf but want the Government to do something for them, because the Government's policies have led to misery. The hon. Member for Hemel Hempstead (Mr. McWalter) still thinks that that is a source of fun, and I hope that it is noted in *Hansard*.

[Mr. Redwood]

This legislation will create uncertainty, but the terms of our amendment are very clear. We have much sympathy with the 184 hon. Members—mainly Labour and Liberal Members—who are concerned about the Bill's impact on retail pharmacies. The right hon. Lady said that I must be in a muddle as I—a strong and committed supporter of competition—am saying that, on this occasion, I support the current practices in the pharmaceutical industry regarding the retail distribution of over-the-counter medicines. I see no conflict in that position. The Government whom I used to support were happy to strengthen competition in all sorts of ways using existing legislation, while at the same time sustaining the over-the-counter medicine arrangements. I think that that is the right approach.

Mrs. Beckett: The right hon. Gentleman overlooks the fact that, when the Conservative party considered competition legislation, it proposed precisely the approach that the Government have adopted: allowing the proceedings in court to continue. The director general first announced that he was planning to examine the matter in 1995, and the case has been running since October 1996. The Government of which the right hon. Gentleman was occasionally a supporter thought that that was the correct course of action—and it is the same course that we are now pursuing.

Mr. Redwood: We did not introduce legislation that would clearly make that practice illegal, and cancel it by virtue of primary legislation. I never supported the proposals to rebase our competition law in such a fundamental manner. Officials proposed this sort of Bill when I was competition Minister, and I shall tell the right hon. Lady why I turned it down. I refused to introduce it to the House of Commons because no one could answer adequately what impact it would have on all sorts of businesses, such as retail pharmacies. I thought that it was much better to examine competition issues, case by case, through a proper inquiry by the established authorities, so that they could be considered at a measured rate and people could have a chance to adjust to any changes.

Mr. Bercow: Will my right hon. Friend take this opportunity to abandon self-effacement for a moment and confirm that the difference between the right hon. Lady and him is simply stated? As a Secretary of State and as a junior Minister, he was in charge of his officials, whereas the right hon. Lady is told what to do by hers—that is the difference.

Mr. Redwood: The other problem is that, when they are told what to do, Ministers do not always heed those words because they have not read the documents. That is a great problem.

Mrs. Beckett: Speaking of reading documents, will the right hon. Gentleman be kind enough to explain to the hon. Member for Buckingham (Mr. Bercow) and to the House why they both fought the last election on a manifesto that said that a Conservative Government would introduce legislation of the kind that we are discussing?

Mr. Redwood: If the right hon. Lady checks the manifesto that I issued in the constituency of Wokingham, she will find no such reference. I also reassure the right hon. Lady that no Conservative Minister would have introduced legislation that was in the same appalling state as this Bill. No Conservative Minister would have come to the House without knowing the answers to fundamental questions about the impact that such legislation will have on brewers, petrol filling stations and other businesses that we believe will be damaged by the Bill.

Mr. Letwin: Does my right hon. Friend agree that the President of the Board of Trade gave an important answer when she said that she estimated that the effect on pharmacists would be about £900 million? Does he agree that the right hon. Lady owes the House a further explanation regarding whether she believes that that is the super-profit currently being made by pharmacists or whether the legislation will have a severe impact on their sustainability?

Mr. Redwood: My hon. Friend listened acutely to the remarks of the President of the Board of Trade. She implied that the Government intend to damage gravely the cash flow and profitability of retail pharmacies. That is confirmed by the Minister in another place who has admitted on the record that pharmacies will close if the legislation is passed unamended. That is why the Opposition will vote tonight in support of a reasoned amendment.

Mr. Ian Bruce: Will my right hon. Friend give way?

Mr. Redwood: I should like to finish my point, if I may.

If Labour Members examine carefully the terms of the early-day motion—which many of them signed—they will see that I have used the same language in the Opposition amendment. We would be delighted to welcome all 184 of those Labour and Liberal Members into the Opposition Lobby in support of a motion that they have already signed up to. I can reassure them that my right hon. and hon. Friends will be in the Opposition Lobby in large numbers to add their votes and voices to those of the 184 Members who have already signed the early-day motion.

I am a realist, and I would be extremely surprised if all 184 Members decided to vote again for something that they have already signed up to in an early-day motion. However, I ask the press and the public carefully to read the record. If they do so, they will see that there is a majority in the House in favour of treating retail pharmacies rather better than the President of the Board of Trade is suggesting. If we add the votes of the Conservative Opposition to the 184 names—allowing for any double counting—on the early-day motion, there is a majority in the House against the Government's proposals for retail pharmacies.

I see the Government Whip at last becoming interested in my remarks. The hon. Gentleman knows the arithmetic as well as I do. I trust that, before the debate ends, the President of the Board of Trade will ask one of her junior Ministers to give the House some hope that the plight of retail pharmacies will be recognised before the Bill completes its progress through Parliament.

Dr. Stephen Ladyman (South Thanet): The hon. Member for West Dorset (Mr. Letwin) referred in an intervention to the £900 million extra charge to the

consumer—something to which my right hon. Friend the President of the Board of Trade also referred. Is it not true that the majority of that £900 million goes into the pockets of large retailers and supermarkets, which benefit also from retail price maintenance? What would the right hon. Gentleman intend to do about that? Does he think that that is a correct use of the public's money?

Mr. Redwood: I have explained that the Opposition are very worried about smaller and rural pharmacies, and quite a lot of that £900 million goes to them. It is up to the hon. Gentleman and his party to explain what they will do if they put unamended legislation on the statute book and many pharmacists go out of business or change the nature of their business, thereby removing an important service in each of the communities affected. If we have a truly listening Government, and if they are still spending money on focus groups, I am sure that those groups will tell them that such a service in each community is valued and that it would be a foolish Government who went ahead pig-headedly and decided to eliminate such an important service in many communities.

Mrs. Beckett: It seems that the right hon. Gentleman has entirely lost track of his argument. The Government are not outlawing retail price maintenance. We are merely saying that the matter should continue to be considered and discussed by the proper authorities—as opposed to the amendment that the right hon. Gentleman is defending, which would not allow the matter even to be considered for the next six or seven years. We are talking not of abolition but about allowing the matter to go to the proper authorities for them to judge. Why is the right hon. Gentleman against that? He is supposed to be in favour of competition.

Mr. Redwood: It seems that the right hon. Lady does not understand her proposed legislation. If the Bill is enacted unamended, the sort of pricing behaviour that we are discussing will be illegal, in a way that—*[Interruption.]* The Minister says that there is an exemption, but it is made clear that that will be temporary. The words of the exemption do not even guarantee the position of the retail pharmacist. I have specifically asked the Director General of Fair Trading for reassurance. He has replied in ambiguous and opaque language, implying that there is no intention to guarantee five years for retail pharmacists.

Mr. Ian Bruce: It is clear that my right hon. Friend has a grasp of the Bill that Labour Members do not. The President of the Board of Trade was clear that a dominant company—for example, British Steel—if it were running at a loss, would automatically be acting in an anti-competitive way. Surely that means that, when the Government allow the pound to become uncompetitive, and British Steel, which is exporting, has to operate at a loss and sell its products at a loss, the company will have to make employees redundant because of losses and long—

Mr. Deputy Speaker (Mr. Michael Lord): Order. The intervention is far too long.

Mr. Redwood: I accept your wisdom, Mr. Deputy Speaker. However, I think that my hon. Friend was making a cracking good point. He is saying that it is possible for a company to be dominant in the United Kingdom market only to be driven into massive losses because of the Government's economic policy, and then having inspectors calling, jemmying open the door, and saying, "You are guilty of anti-competitive practice." That would be most unfair, and I hope that Ministers will consider the matter.

Mr. William Cash (Stone): Will my right hon. Friend give way?

Mr. Redwood: I must make a little more progress.

The purpose behind the Opposition's amendment is clear: it is to allow all those who signed the EDM a further opportunity to vote for their principles and beliefs. It provides all Labour Members with an opportunity to join in the debate, as it will be fully in order for them to make the case for their local pharmacies. Moreover, it provides us with an opportunity to highlight the problems that such businesses will face.

Pharmacies are not the only businesses that are likely to be badly affected by the Bill. The Government are still in a great muddle over vertical agreements—for example, the sort of agreements that exist between brewers and pubs, between oil refiners and filling stations and between car manufacturers and car distributors, to name but three important industries.

The Government imply that they wish to exempt such vertical agreements, but they still have not been able to produce clear language in the Bill to that effect. There is something in general terms in schedule 13, but industry wishes to see these matters dealt with case by case in the Bill so that it does not have to live in legal uncertainty about business practices.

It was disappointing that the President of the Board of Trade was unwilling to specify, in response to my opening question, one existing business practice that she would like changed as a result of the Bill. That is what business is asking about. Car manufacturers need to know whether their existing distribution arrangements are legal and satisfactory. So do brewers and the publicans. It is no good the right hon. Lady saying that it has all been settled in Brussels, because, as she knows, in the case of the publicans and the brewers, there have been various cases in Brussels. One of the most recent judgments made it clear that there must be an investigation case by case, brewing business by brewing business. That means that the brewing industry continues to live in great uncertainty.

Why are the Government unable to make up their mind on any of these things? Why cannot they say that they think that the pubs are getting a bad deal and that they want legislation that hits the brewers? Equally, why cannot they say that existing arrangements have been arrived at fairly, that they will be endorsed and that security will be written into the Bill? We shall be giving Ministers further opportunities in Committee to try to put these matters right.

Mr. Cash: As for the possibility of amendments in Committee, my right hon. Friend may have heard my earlier altercation with the President of the Board of Trade about doctors' surgeries that supply prescriptions and the nonsensical and indefensible one-mile monopoly rule, which prevents fair competition in rural areas where there

[Mr. Cash]

are pharmacies on the one hand and doctors' surgeries on the other. Would my hon. Friend—unlike the President of the Board of Trade—be good enough at least to consider proposing the abolition of that indefensible monopoly?

Mr. Redwood: We shall certainly be probing in Committee, as my hon. Friend would wish, to ascertain the Government's intentions on all these matters. However, our immediate worry is about the plight of existing retail rural pharmacies. Any changes in the current arrangements would need to be based on our being reassured that a proper service could be applied in each rural area, and that there would be sensible transitional arrangements of the sort that my hon. Friend would no doubt wish to see.

The House has already had some substantial exchanges on the Murdoch amendment, but, as the President of the Board of Trade still does not seem to know exactly what the Opposition's position is, I shall set it out briefly again and offer a proposal. Our view is that the Bill did not need the amendment that was passed in another place to make predatory pricing in the newspaper industry an offence. We believe that both old legislation and proposed legislation, unamended, do the job. However, we see that there are considerable tensions and worries in the newspaper industry, which have been voiced by hon. Members on both sides of the House.

We know that *The Daily Telegraph* does not wish to see the amendment that was passed in another place remain in the Bill. There is a good article about that in today's edition. However, it is worried about the pricing behaviour of its principal rival, *The Times*. We know that the position of *The Times* is that it is not cross-subsidised in any way from BSkyB, as some people allege. Those at *The Times* say that they are offering decent price promotions, which represent good sense for their business as well as being good for those who buy *The Times*. We know that *The Independent* is worried about the pricing behaviour of at least one and perhaps both of those other national newspapers, as it, too, fights for a share of that prestigious but competitive market.

Before we get into more deep discussions on those matters in Committee, the President of the Board of Trade should invite in representatives of those three newspapers—and, indeed, of any other legitimate interest that might want to talk to her—and ask them for their views on how competition law in this area should be carried forward. She should explain what the Bill will achieve and what the consequences will be.

The right hon. Lady looks shocked at the thought that she might do some work for a change, but it would be most valuable if she invited those people in and listened to their views.

Mrs. Beckett: The right hon. Gentleman does not have the faintest idea of the role of a potential Secretary of State for Trade and Industry. The Director General of Fair Trading is already consulting those interests, inquiring into their position and seeking information from them. It is not my job to do the director general's job, as the right hon. Gentleman seems desperate to do.

Mr. Redwood: If the right hon. Lady were not proposing to change the law, I would accept that answer; indeed, I would not urge her to meet parties to a competition dispute under existing law in such a way, unless there were special circumstances. This issue is different. She is comprehensively and radically legislating on competition matters when there is a big row in the newspaper industry, in the House of Commons and among the wider public on those newspaper issues. It is incumbent on her to listen to the views of the participants in the dispute and to explain what she intends under the Bill.

I repeat that it was most welcome that the right hon. Lady told us a little more about how she wanted the Bill, should it go through the House, to be interpreted on the crucial issue of predatory pricing. She has given us half the story; surely she can give us the rest. She must tell us exactly how the formula will apply, and I advise her to listen to at least three of the newspapers and any others with a strong view before she finalises arrangements. She cannot wash her hands of the matter: she wants to legislate; she says that the current law is wrong; she could meet the requirements of Labour Members on those and other matters, if she wanted to do so. I hope that she will think again after the debate in the privacy of her office, because I have offered her a sensible proposal for carrying the matter forward and for avoiding too much heat, but not much light, in Committee.

I pass briefly to a few remaining matters, the first of which is the Bill's establishment of the Competition Commission to replace the Monopolies and Mergers Commission. We have several worries about that body. First, we want to know, from the right hon. Lady's winding-up speech or in Committee, more about whether the Government intend to keep the many good and talented staff at the MMC and to transfer them en bloc, or to sack them and start again with a new team of officials.

Why does the right hon. Lady need 50 more officials to run the new regime than ran the old? We were told that the old regime was muddled, fussy and too complicated and that the new regime would represent a great simplification. We shall probe why the new body will have the traditional mergers function of the MMC and an appeal function. We suggest that there is something difficult in having the appeal function and the normal review function vested in the same body, and we want satisfaction on that important matter.

In Committee, we shall also probe Ministers on concurrent powers between the Director General of Fair Trading and the utility regulators. Ministers might agree that there is still a lot of muddle and confusion over who will do what and when under the new legislation, and we shall offer opportunities through probing amendments to clarify their thinking and to reassure the various regulators that at least the Government know what they should and should not do.

We are concerned about proposed powers of enforcement and fines. I am pleased that the Government have clarified that the 10 per cent. of turnover will apply only to United Kingdom turnover, not to global turnover. That is progress, but such a fine would be large for a retrospective infringement where a business was doing something that was legal under the old regime. The Government should look again at the transitional period, because people may inadvertently fall foul of what the right hon. Lady now says is designed to be a stronger competition regime than the old one. The retrospective element in the Bill is invidious and damaging to British

business and, given that it has been allied to such a high fine—typically, annual profits in a good year—Parliament should think again.

Powers of entry are draconian. They would be reasonable for chasing serious criminals or drug barons, but the Government should think again about having such severe powers in respect of people who are running businesses and trying to do their best in what they take to be the business and the public interest. I remind hon. Members that clause 62(6) states:

"Any person entering premises by virtue of a warrant under this section, may take with him such equipment as appears to him to be necessary."

It is not difficult to conjure up all sorts of unfortunate images of what might be necessary to break open doors, safes and filing cabinets to get to the necessary paper.

We are worried about the impact on public and private sector costs, and want more information on how much the new regime will cost the Government to run. A bigger and more expensive quango will replace the existing body. I fear that it will be much more complicated than the right hon. Lady has given us to believe, and may need many more staff than she has forecast. With a prohibition regime, all sorts of people will seek guidance and advice: they will be worried sick that their premises may be broken into or that they may be subject to a large fine.

More important, the compliance costs on the private sector have been grossly understated in the compliance cost assessment that accompanies the Bill. We are told that the non-recurring compliance cost for British business and commerce is between £2.6 million and £4.4 million. Does the right hon. Lady accept that practically every British business of reasonable size will have to seek a great deal of expensive legal advice? Each business will have to go through corporate agreements and many contracts and ask whether they comply with the new legislation. For each complicated and sophisticated business, that work could run into thousands of documents, and many will have to turn to expensive competition lawyers for the reassurance that they seek or to be told how to amend those agreements. Ministers have no idea of the amount of work that they are giving people.

Mr. Bercow: My right hon. Friend has put his finger on a matter of the greatest importance to business, with whose interests, after all, the Bill is supposed to be concerned. Does he agree that we have further cause for concern in the light of the dramatic upward revision of the estimated costs since the right hon. Lady's original statement on the matter last August?

Mr. Redwood: My hon. Friend is right to say that the Government are trying to make their estimates more realistic, but they are still out by a big margin. I have spoken to many businesses over recent weeks about this and other matters. They told me that they are already embarking on an extremely expensive exercise. Those businesses are not trying to be anti-competitive; they have negotiated complex arrangements with partners, counter-parties and other companies, and they now find that they need a great deal of legal advice.

I hope that hon. Members will agree in Committee that it would be welcome if more rapid progress could be made on problems through the competition machinery. It would be progress if businesses could be reassured that they would be told much more quickly than under the old regime whether what they were doing was reasonable and whether it met the requirements of the Bill. Swifter justice would go a long way to dealing with the sense of injustice felt by various companies.

The cable industry, for example, has concerns about current competition matters. I put it to the industry that many of them would be best dealt with by quick answers rather than by different laws. The industry agreed: it would like changes to the Bill, and I said that I would urge swifter justice, which would undoubtedly help. I hope that that will be built into the Bill.

In this Second Reading debate, my hon. Friends and I are asking what all this is for and what it will do. The President of the Board of Trade says that we need a more competitive market. Why cannot we create one under existing powers? She could review more industries and practices with a view to making the market more competitive. Will the Bill make the water industry competitive, for example? That industry has very little competition at the moment. Will it open up more public sector activities to market tests? That would be a good way to develop more competition, but not one that the Government are currently planning to follow.

Does the right hon. Lady wish to break the current arrangement for car distribution, petrol retailing, newsagents and newspaper distribution, pubs and brewing? She will not tell us. We need to know before the passage of the Bill is completed. We need to know exactly how the Bill could make our markets more competitive, and who will be affected.

We have had one piece of legislation from the DTI team proposing a minimum wage without saying at what level the wage will be set or who it will affect—a piece of legislation with no heart. We now have another piece of legislation with nothing of substance behind it. We are told that it will make the world more competitive, but the Government cannot say how or why. We have a lot of work to do in Committee.

5.10 pm

Mr. Clive Soley (Ealing, Acton and Shepherd's Bush): I support the Bill, which is a positive step forward. It provides a framework for competition to be decided; it is not, as the Opposition seem to think, an opportunity simply to list everything that can be ruled out as anti-competitive. It is a framework by which the Office of Fair Trading and the new Competition Commission can decide policy in terms of competition law. That is precisely what we should be discussing, rather than a long list of shopping expeditions, which the shadow Secretary of State seemed to want to discuss.

I want mainly to discuss clause 19, which was added in the House of Lords by Lord McNally, clauses 18 and 60, and, to a lesser extent, clause 46, which has some bearing on the issue.

The issue relates to the fact that Rupert Murdoch has cut the price of *The Times* on Mondays with the apparent intention of driving *The Independent* out of business. I have little doubt that Rupert Murdoch would like to get rid of *The Independent*, and that he has *The Daily Telegraph* in his sights. However, it is one thing to believe that, but quite another to prove it. The House of Commons has a duty to structure the law in such a way that, where there is a serious challenge to competitive behaviour in the newspaper industry, it allows all newspapers to be judged on the same basis.

[Mr. Clive Soley]

Much as I dislike Mr. Murdoch and his practices, and what he has done to the newspaper industry, not least to the free and diverse nature of the news service in this country, I do not believe for a moment that he is the only threat to press freedom in this country or the world. Hon. Members who remember my Freedom and Responsibility of the Press Bill five years ago will know that I have argued before that, by the early part of next century, most of our national and international news production and distribution will be concentrated in the hands of about half a dozen owners. That should seriously concern us all.

The issue in this Bill is twofold: first, whether clause 18, as adjudged by clause 60, will deal effectively with the price cutting of *The Times* on Mondays—

Mr. Radice: And on Saturdays.

Mr. Soley: Yes, and Saturdays—secondly, whether there is a better way to deal with the media.

As I have been saying for weeks, excited as I was at first by the possibility of stopping Rupert Murdoch cutting the price of *The Times* in order to get to *The Independent*—I thought that the Bill might achieve that—I must conclude that, with or without clause 19, the Bill will not have that effect unless the Director of Fair Trading judges that the practice of cutting the price of *The Times* will lead to the demise of another newspaper—in this case, *The Independent*. That will be hard to prove. Indeed, it will be harder to prove now that *The Independent* has been bought by Mr. O'Reilly.

I also doubt whether, if the provision is to be used effectively, it could catch a number of other newspapers that do something similar. For example, *The Daily Telegraph* provides free copies in hotels, and the *Daily Mail* and other newspapers of that type provide free copies on airlines. Thus, the four big newspaper owners in Britain already use price-cutting techniques to take over their competitors' market share. If they already do that within existing competition law, it follows that Rupert Murdoch will probably succeed in continuing his price-cutting practice unless we have additional evidence.

One or two of my hon. Friends have told me that Rupert Murdoch has said in the past that he would like to knock *The Independent* and *The Daily Telegraph* out of business. However, saying that is different from having it in writing and being able to prove it in a court of law. I am therefore not convinced that clause 19 will change Mr. Murdoch's ability to cut the price of *The Times* on Mondays and Saturdays.

Perhaps the strongest argument in favour of the Bill is that News International seems worried about it and about clause 19. It has been worried for some months now, partly because of the Chris Patten affair and partly because of the growing concern of newspapers generally that Rupert Murdoch is getting too powerful. Some of his activities have been very dubious, not least his support of the Chinese communists. He has not hesitated to knock the BBC off Star Television, or to stop the publication of a book by his company in order to please the Chinese communists.

I am reminded that, in his university days, Rupert Murdoch was a communist and had a bust of Lenin in his room. In my experience, most young authoritarian communists end up as old conservatives. It is a traditional pattern, and I have seen it happen many times in my political life. That definition fits one or two Opposition Members.

Having made one or two strong criticisms of Rupert Murdoch, I reiterate that it should be no part of our agenda to target particular individuals or companies. Let no one get the idea that, if we stop Rupert Murdoch's price-cutting activities, some other newspaper groups would not do exactly the same if they thought that they could get away with it. We must not lose sight of the fact that the ownership of national and international news production and distribution is becoming increasingly concentrated. I am pleased to say that some News International senior executives agree with me that that is a danger.

The issue is whether we can have a competition law that deals with the newspaper industry.

Mr. Ian Bruce: The hon. Gentleman is making a powerful argument, in his own terms, about control of the printed media. However, has not Rupert Murdoch shown that, in the three competitive fields of satellite, digital terrestrial broadcasting, which has just been introduced, and cable, he has been able to get a virtual monopoly, while being fully regulated by the ITC and others?

Mr. Soley: He is not regulated in the newspaper industry. The whole of the News International board, including Rupert Murdoch, turned up at a recent Press Complaints Commission annual jamboree a few days ago at the London Aquarium. The main item of discussion was whether there were more sharks in the aquarium or watching from the outside. The general view was that there were probably more sharks watching the sharks.

The serious question is how we should regulate the media. I mentioned clause 46 earlier because it sets up the new Competition Commission, which takes over the powers of the old Monopolies and Mergers Commission. Those who argue that the newspaper industry should be included in the Bill note that paragraph 22 of schedule 7 sets up a panel of persons to look at newspaper ownership. That is taken on board by the Monopolies and Mergers Commission. The powerful point is that that has not worked either. A small number of people have greater control not just of the printing of news but of production and distribution: it involves the Reuters of this world as well as the newspapers.

The Tetra Pak judgment has interesting implications for newspapers and other organisations that use price-cutting mechanisms. I thought at first that it would stop the price cutting that has gone on for five years, which, as my hon. Friend the Member for Sunderland, South (Mr. Mullin) rightly pointed out, is the strength of the case against Rupert Murdoch's practice of cutting the price of *The Times*. That judgment examines the average variable cost, and, over a five-year period, that practice has clearly resulted in a loss. The problem is whether it is a loss leader within the existing company.

If that practice is to be stopped by an amendment, it would have to be more specific than new clause 19, and would have to name not only an industry but a particular practice, which would mean going down the road that the shadow Secretary of State suggests, of a shopping list of offences that we want to stop. Competition legislation cannot be framed in that way. New clause 19 does not add anything to the Bill, so it is redundant.

Although I appreciate that it is not an area of responsibility for the Secretary of State, we should concentrate on how we regulate the media. Whether it is through a communications Bill or a media Bill is a matter of choice, but I have no doubt that we need to take tougher action when predatory pricing in newspapers or in other areas of the media reduces the amount of variation in the news market. If we allow ownership to continue to be concentrated in the hands of a few people, as it has been in the past 20 or 30 years, we shall damage and endanger our democracy.

As I said in an article a few days ago, I believe that such a Bill should deal with ownership, and should make a clear statement about media freedom. Clause 1 of such a Bill should provide a defence of press freedom: privacy, harassment, accuracy and ownership could be dealt with in subsequent clauses. Our competition law enables the Monopolies and Mergers Commission, soon to be the Competition Commission, to deal with mergers, but it does not provide for a variety of ownership of the press beyond what it is now. That is where we are stuck at the moment. Allowing a particular owner to change the price of one of his products will not make a significant difference to the freedom of the press.

The solution to this problem is a separate Bill dealing with press freedom, ownership and other regulatory mechanisms. The media are a dramatically growing new industry that affects the quality of our democracy and the political life here and in other countries. I am increasingly concerned about the proposal to attach clauses or amendments to competition law to achieve another end: that of media freedom.

If we believe that media freedom is important—I certainly do, and have been arguing it for many years—we need a Bill designed to achieve that end. We do not need a shopping list of practices that should be against the law. We should not devise a law that provides such a list and then be surprised when we find that we have not caught everything we should have caught, or that practices we had not thought of have got through.

My right hon. Friend was right to make that point. The essence of the Bill is to provide a framework in which any individual or organisation can refer a practice to the Director General of Fair Trading, who will make a judgment on whether that practice should be stopped.

Clause 18, read in conjunction with clause 60, in effect brings in the Tetra Pak judgment, because it relates to European law. News International may decide that the risk of prosecution under clause 18 is too great, and will stop the price cutting. New clause 19 would not alter that. All the lawyers I have asked about this matter put it in the balance, and said that it might go one way or the other. The board of any company, such as News International, would have to decide whether to go to court to fight the case or to change its practice. I hope that News International will change its practice.

Although I want a media Bill such as I have described to protect and enhance press and media freedom in this country, the four big press groups could also come up with their own code, and state clearly that they will adhere to it. Such a code should contain a provision on the importance of diversity in the press. It is naive to expect News International to knock on my door offering to produce such a code, although I have had an exchange of letters recently in which I put it to them yet again that they should consider doing so.

Last week was typical. Four papers were in gross breach of the Press Complaints Commission code by their coverage of the Mary Bell case, their story about Joanna Lumley, and, perhaps worst of all, the story in the *Daily Mail* on Wednesday accompanied by a picture of a four-year-old girl with her name underneath it. The story was about her grandmother having her mother sent to prison. A four-year-old girl should not have to go to nursery school with that on the front page of a national tabloid. If the Press Complaints Commission does nothing about such gross breaches, we still do not have the right balance between press freedom and press responsibility.

The Bill is essentially about competition. It tries to establish a level playing field in the newspaper industry and elsewhere. It should not be a battle against one particular newspaper owner, even though he has done a great deal of damage. When I read the *Daily Mail*, I realise that there is not an awful lot to choose between that group of newspapers and News International: it is just as inconsiderate about the effect of its behaviour on others, not least on that four-year-old child. We should consider introducing a communications or media Bill that protects and enhances press freedom, and imposes a certain level of responsibility.

Under this Bill, News International will have to decide whether to fight it out in the courts with the Director General of Fair Trading if he challenges the price cut on Mondays and Saturdays, as I hope he does. That decision will have to be made, whether or not new clause 19 is included in the Bill.

5.27 pm

Mr. David Chidgey (Eastleigh): I congratulate the hon. Member for Ealing, Acton and Shepherd's Bush (Mr. Soley) on a thoughtful and wide-ranging speech. I support and understand some of the sentiments that he expressed, particularly about a media Bill, but our major problem is that the Government show no sign of making time in their business programme to debate that issue.

I welcome the intentions behind the Competition Bill. I support the prohibition approach and the strength and powers of investigation for competition authorities. It is a sound step forward. The Bill provides the opportunity for fundamental reform of competition policy, which is well overdue. It provides the means to set down the same set of rules on competition throughout the nation states of Europe. A single set of rules operating across Europe is an essential ingredient of a fair and efficient single market.

I also welcome the incorporation of articles 85 and 86 of the treaty of Rome into United Kingdom competition law. Direct prohibition of restrictive agreements and cartels, and the prohibition of abuse of a dominant position, are two key ingredients of modern competition law.

When it comes to the detail of the Bill, my welcome starts to fall a little flat. The Government's proposals for reforming competition policy have some fundamental weaknesses and flaws.

People seem unsure, there is even dithering, about whether the Bill should prohibit vertical agreements, and if so which ones. The Bill does not seem to take account of the fact that, if such agreements were excluded en bloc, the legislation would immediately be at variance with that in the rest of the European Union. In addition, such an

[Mr. David Chidgey]

exclusion of vertical agreements could undermine a key principle of the single market—the freedom of trade across state borders.

There are proposals to exclude en bloc from prohibition organisations with professional rules, but there has been no proper consideration of restrictive practices. The extension of investigative powers goes well beyond those contained in articles 85 and 86 of the treaty of Rome, and that poses some threat to civil rights. Those are just some of the Bill's flaws, and they need to be probed and clarified. I shall return to those issues in detail.

The Government take pride in believing that they consult. That is for them to say and for us to hear. They say that they have had about 150 responses to date on their consultation paper on the Bill. That is welcome. However, the key question is what impact the wisdom and experience of industry and commerce has had on the framing of the Bill. The reforms in competition policy that it will introduce are likely to be in place for at least 20 years, and industry and commerce will have to live with the results. It is vital that their views are heeded as the Bill progresses.

The Bill started life in the other place, which is a common practice for technical, complex Bills. The fact that it started life there is not encouraging because it may demonstrate the ability of this House. It has been subjected to intense scrutiny before coming here, and amendments have been incorporated with all-party support. They include those that deal with retail price maintenance of over-the-counter medicines and with predatory pricing in the newsprint media.

I emphasise that those amendments had all-party support. Some Labour Members voted against the Government Whips' instructions. It is reported that, when one such Labour Member was asked on Radio 4 why he voted in favour of the famous new clause 19 on predatory pricing, he said, "I listened to the argument." That could be something new. Perhaps if the House subscribed to that idea, it would make our debates more interesting, although perhaps not as lengthy.

I shall later go through some of the arguments and build on the comments by the President of the Board of Trade to try to take us further on the question of the prohibition of anti-competitive practices in the print media. For the moment, I shall examine in detail some of the proposals that will be presented in Committee, especially on vertical agreements.

Two or three areas need to be examined, because they illustrate the problems that we shall face in examining the Bill's detail. Agreements between manufacturers and retailers for after-sales services or the extension of warranties have obvious benefits for the consumer. However, agreements that deny consumer choice or which artificially maintain high prices are clearly against consumer interests, and the Bill must deal closely and directly with such anti-competitive agreements. They should not be excluded en bloc.

Mr. Tim Boswell (Daventry): Does the hon. Gentleman agree that an examination of the Liberal Democrat amendment on this matter makes it clear that Liberal Democrats deplore the absence of an explicit prohibition of vertical agreements? It is not clear from the context that there is to be some kind of saving in the cases to which he refers, including those that he regards as beneficial to consumer choice. Is the position of the hon. Gentleman's party at all clear on this matter?

Mr. Chidgey: I am fairly confident that my party's position is clear, but I am rather doubtful about the Government's position. I should like to tease that out, and perhaps my following comments will convince the hon. Gentleman.

In the Sunday papers, the continuing scandal of the over-pricing of family saloon cars in the United Kingdom compared with other European countries was writ large. According to European Commission figures—not to any newspaper editor, whether with News International, as in this case, or with any other group—Ford, BMW, Peugeot, Fiat and Nissan all charge British consumers up to 40 per cent. more for family cars than they would pay in other European countries. The trick seems to be to restrict the production of right-hand drive vehicles for the United Kingdom market, and to argue that the difference in price is due to the extra cost of making a limited number of such vehicles compared with the left-hand drive European standard.

I am sure that no hon. Member or anybody else would believe for a second that the production of a right-hand drive version of a family saloon adds 40 per cent. to the price, or that it costs up to £4,000 more to produce a right-hand-drive vehicle which is sold not just in the United Kingdom but in many other markets. The simple truth is that European manufacturers are selling in the UK at the highest prices that the market will stand. Those prices are controlled by a vertical agreement through a network of dealerships and franchise holders who are contracted to deal in the products of only one manufacturer.

That is a classic case of vertical agreements acting against consumer interests. No wonder that one manufacturer was alleged to report, "It's wonderful. We are making more out of England than ever." In the £200-billion-a-year European motor industry, British customers are being ripped off on a massive scale. An anti-competitive vertical agreement that allows that to happen must be covered by the Bill's prohibitions.

We have already debated the issue of manufacturers supplying retailers with their products as long as they sign up to conditions. It cannot be right for the Bill, through omission, to allow some manufacturers and suppliers of designer clothes and accessories to prevent retailers, and especially supermarkets, from offering those goods at a discount. To their credit, some supermarkets have found alternative supplies of well known branded designer clothes, which they offer at a discount; but they should not be forced to take such measures to get around anti-competitive agreements. Similar problems arise with brewers' chains, petrol stations and particular oil companies.

Dr. Nick Palmer (Broxtowe): Is there not some confusion between the terms "anti-competitive behaviour" and "anti-competitive agreements"? In many of the cases that the hon. Gentleman mentions—for instance, car manufacturers—it is not clear that the manufacturers have made formal or informal agreements among themselves to behave in a certain way. They do not have to do that:

a manufacturer can be sufficiently anti-competitive on his own. There is a problem with legislation of the type that we are debating. Ideally, we should give the regulator the power to attack anti-competitive behaviour, even if the practice has not been agreed with anybody else.

Mr. Chidgey: The hon. Gentleman makes an interesting point, and I accept much of what he says. I reinforce his comments by saying that I think that Volkswagen was fined some £60 million recently by the EU for prohibiting its dealers from selling cars in, I think, Italy, and possibly Austria, at prices that were much lower than in Germany.

There is a powerful anti-competitive network, and we should be able to deal with it by way of competition policy. It is important that the uncovering of such practices should not be left to the chance of an investigation instigated by a complaint to the Office of Fair Trading. Our policy should make it clear that such anti-competitive practices are prohibited by law.

I want to deal briefly with professional rules. A number of organisations have shown concern about the way in which those are dealt with under the Bill. I should perhaps declare an interest, as I am a fellow of several engineering institutions, although I receive no particular financial gain from that; in fact, it costs me quite a lot in subscriptions. Nevertheless, in case anyone should be in any doubt about my advocacy on this, I declare my paid-up membership to several well-known engineering institutions. They are concerned, as are a number of other professions.

The rule books for accountants, lawyers, engineers and other professions are made by their professional bodies, using powers under legislation. Some of those rules, such as the separation of clients' money, the need for qualifications and the commitment to good practice, are essential to protect the public. I do not think that anyone would argue that they were not in the consumer's interests. However, other rules, which restrict advertising or the display of prices, or which set minimum fees, regardless of the service level provided, are clearly anti-competitive.

The manner in which the Bill deals with professional rules will require close scrutiny in Committee. At present, the definition of the professions are prescriptive, and do not take account of all the bodies that are affiliated to a particular profession. The professional bodies in, for example, optometry and optics have voiced strong misgivings about the Bill, as has the engineering profession. It is a particular problem that the Engineering Council, which is recognised by Government as the voice of engineering, and which maintains a national register of about 30,000 professional engineers, finds that many of the members on the register would not be covered by the Bill's current definitions.

The engineering profession has, through the council, established three grades of professional engineer: chartered or incorporated engineers, and engineering technicians. The Government have a memorandum of understanding with the Engineering Council. They recognise its authority to represent the whole profession, so it is only logical that the definitions that the council uses for engineers and that are already recognised by Government should be those in the Bill. I cannot understand why the Government seek to find new definitions for something that is already agreed at that level.

I move on to the issues to do with predatory pricing in industry, because I fear that other hon. Members will want to contribute—at length, I am sure. So far, there has been much debate on predatory pricing. We need to examine more closely the Government's approach to the issue and their rejection so far of clause 19, which aims to ensure that we maintain a high-quality newspaper print industry. It seems that clause 19, as amended in the other place, specifically prohibits predatory pricing by national newspapers.

The Government, today and at other times, have made it clear that they intend to remove the clause, on the basis that it is unnecessary and unworkable. For some months, they have insisted that the Bill is up to the task without a specific prohibition. The UK is fortunate in the breadth and scale of its national newspapers. No other country in the western world can boast some 10 national newspapers available on breakfast tables everywhere, every morning.

The diversity of our newspapers and the range of opinions they hold have created and supported burgeoning journalistic skills, attracting the best in that profession. We are very lucky. We should consider the sector sacrosanct from monopolistic tendencies, as the hon. Member for Acton and Shepherd's Bush said.

Not so long ago, the chairman of News International said that, within the next 10 years, the UK newspaper industry could support only three national titles: *The Sun*, *The Times* and the *Daily Mail*. It will not escape hon. Members' notice that two of those titles are already owned by that gentleman, which does not say much for competition 10 years hence.

How is it that an industry with an annual revenue of about £700 million could support only three major titles? Perhaps the gentleman concerned meant that he wanted to have three titles to maximise profits in the industry, and that he would prefer it if those three titles were in some way owned or controlled by himself.

Just think for a moment what the impact would be of having just three national papers for hon. Members to fight over in the Tea Room every morning. Just think what it would be like to have just one third of the newspaper journalists sitting in the Press Gallery every day—I do not think that we would notice the difference today—all under the control of one or two organisations, and all under pressure to spout forth just one or two opinions.

Without effective competition laws, that could be the state of our newspaper industry within a few years. I understand that the total revenue from national newspapers is about £700 million a year, yet the cost of production and distribution is put at some £750 million a year.

Mr. Mullin: For broadsheets.

Mr. Chidgey: I confirm what the hon. Gentleman says—for broadsheets. By comparison, industry sources estimate that the revenue of *The Times* is £80 million per year, but it costs £140 million a produce it—an annual loss of £60 million.

As a further graphic example, *The Times* on Saturday is sold for 40p, yet the industry reckons—

[Mr. Chidgey]

Mr. Radice: It now costs 50p.

Mr. Chidgey: Is that not interesting: it has suddenly gone up to 50p? Could this debate have motivated that price rise?

Dr. Ladyman: The hon. Gentleman mentions predatory pricing, as have other hon. Members, but clause 19(2)(b) restricts

"other action which may reduce the diversity and independence of the national newspaper press".

Does he share my concern that that is a catch-all that could prevent newspapers from introducing features that might increase their diversity and allow them to establish themselves in the marketplace differently?

Mr. Chidgey: I am grateful to the hon. Gentleman. The whole point is to allow the Office of Fair Trading to examine the action by an individual newspaper, to find out whether the intent behind that action is predatory. This is where we look to the Director General of Fair Trading to have available to him a broad scale of options, to ensure that he can properly examine attempts to introduce predation within the business.

It seems that the Government's argument is that there is no case to answer on predatory pricing, and that the inclusion of specific prohibitions are politically motivated. How can the Government argue that, under current legislation, the OFT has failed to bring a successful case against News International on the basis that there was no case to answer?

Surely it must be true, as Lord Borrie, a former Director General of Fair Trading and a learned colleague in the other place of the Minister for Competition and Consumer Affairs, has said, cases brought to the OFT have failed not because there was no case to answer, but because the legislation was not adequate for the OFT to pursue the case. That is precisely why we need something as specific as clause 19: to demonstrate the clear will of Parliament, and to give the director general the guidance that he needs.

It is a bit rich to say that clause 19 is politically motivated. If people are going to say that, let us remind ourselves how undignified it is to see successive Prime Ministers anxiously beating a path to Mr. Murdoch's door, seeking his endorsement before elections. That is a bit more like political motivation. Let us remember the headline the day after the 1992 general election in *The Sun*: "It Was The Sun Wot Won It." Is that how we want our newspapers to be run? Is that how we want our policies to be made in this place, and our general elections to be decided—as a result of the voice, power and opinion of one or two newspaper owners, whether they own News International or any other company?

The Government argue that clauses 18 and 60, together with European jurisprudence, provide all the protections that are needed in the Bill, but other legal advice argues that they do not. In particular, European judgments concern predatory pricing by firms already in a dominant position. Look at the detail. Look at the wisdom of other advocates who have considered this matter in detail. The Government also argue that clause 19 is unworkable and will prevent newspapers from competing, but surely the essence of competition between newspapers should be their quality and diversity, not the cover price regardless of the cost of production.

Clause 19 takes nothing away from other parts of the Bill—indeed, it may serve as belt and braces should the need arise. If there is any doubt about the need for it, I ask hon. Members to take account of the point I made in an intervention—Mr. Murdoch is happy with the Bill without clause 19, but, we are reliably told, most unhappy about the Bill with it.

At the very least, the Government should recognise that the weight of different legal opinion proves the uncertainty of their case. There is a clear need for guidance in the Bill to prohibit predatory pricing. As it stands, clause 19 is that guidance. If the Government are not convinced, and are genuinely concerned about prohibiting predatory pricing, they must propose something better.

5.50 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): My right hon. Friend the President of the Board of Trade said that our function is to create good legislation. I hope that that definition will not do her too much harm with some of her colleagues, because it is fundamental to the job of the House of Commons.

I listened with great care to the points made by my hon. Friends and other hon. Members about the freedom of the press. I wholly agree that it is quite wrong that predatory pricing, in any form, should be used to drive out an opponent. I do not care whether we are talking about buses, newspapers or sweet manufacturers: I am angry at the idea that someone can use unfair and dishonest means to drive a competitor out of business simply because the law does not give sufficient power to control such behaviour either to Parliament or to the institutions that act on its behalf. I found that unacceptable when it involved bus companies, and I find it equally unacceptable with newspapers. Therefore, my instinct is that clause 19 should stay in the Bill as a belt-and-braces measure.

I have a different concern—that the Bill does not go far enough in another way. Motor car companies have already been mentioned this afternoon, and I want to refer urgently to the problem facing Rolls-Royce in my constituency. We talk happily about the way in which we at least try to ensure open competition between one company and another, but we do not seem to take a view, as a Parliament, on concentration of the powers of certain large industries in the hands of one or two companies.

Two German motor car manufacturers are fighting over the body of Rolls-Royce like jackals over a fallen buck. It is offensive to me that the work force have no clear view what their future will be. They do not know which of the two companies will be responsible for them. The very management that have special responsibility for controlling the company and for putting it on the market in such a manner are not only not giving a clear statement to the work force; they are not taking a clear position that reflects the interests either of the British people or of their own shareholders. It is extraordinary that a major manufacturer such as Vickers is happy to make two different recommendations, within a short period, to its shareholders about the sale of a major company such as Rolls-Royce. Apparently no one can intervene.

I want to ask my right hon. Friend a series of simple and straightforward questions. Will she bring into her Department those directors of Vickers who seem incapable of behaving in a responsible and respectable manner and ask them precisely what they intend for the future of this last remaining British motor car manufacturer? Will she ask them how they can reconcile a position in which two large German manufacturers will have total control over a very high-class industry—the top echelon of the motor car industry—without any attempt to discuss what that means for competition and for jobs in the United Kingdom?

Will my right hon. Friend find out from those other companies that are making obvious threats—for example, a *Financial Times* headline on 10 May said, "BMW repeats threat to disrupt R-R Motors"— precisely what they are talking about and how they intend to use their industrial muscle to modify, in any way, the sale of Rolls-Royce? How can it be right that this one high-quality product is put in such a position that something as basic as the supply of its engines can be in doubt? How can one company say that, because of an argument taking place in the European Court over the ownership of the name, it would be prepared to withdraw the supply of engines and, presumably, allow the factory to close until an alternative supply was found? Why is it that no British Minister has so far considered that issue to be of any interest?

On 7 April 1998, the Department informed me, in answer to a parliamentary question, that it had paid more than £6 million to a German company, £1.5 million to an American company and more than £1 million, £400,000 and £300,000 respectively to other foreign motor car companies to come to the United Kingdom to set up a manufacturing operation, while standing calmly aside and watching the destruction of what was originally one of the most remarkable types of motor car, synonymous as it was with luxury and craftsmanship? If the Bill is to be as effective as we have been told this afternoon it will be, and if it is capable of protecting the legitimate industrial interests of manufacturing industry, why have we heard nothing so far from the Department about this thorny and difficult question? I find that unacceptable and deeply worrying.

We are talking not about two particular companies, but about such a concentration of power in German hands that it will give them complete control of whole sections of the motor car industry. The point made earlier about the 40 per cent. price difference between cars bought in the UK and the same cars bought in other European Union countries will be as nothing in the future, when one or two large motor car manufacturers will be able to decide not only the type of model, but where it is made, how many jobs it will generate and what sort of future, if any, the motor car industry will have in Britain.

I ask my right hon. Friend to use her powers to call in the people I have mentioned and teach them responsibility, some sort of commitment to their own work force and the need to protect those jobs now.

5.58 pm

Mr. Martin Bell (Tatton): I am grateful for the opportunity to speak in this debate. I shall be brief. I was once a journalist, for quite a long time; I am now a lapsed journalist, but I want to talk a little about matters that I know about.

The issue is important. We are not debating protectionism; nor are we trying to defend the weak against the strong, or *The Independent* against *The Times*. Newspapers can and must take care of themselves in the open market. The Bill is about fair competition; the McNally amendment is about fair competition. The Bill is surely about preventing one individual—a pre-eminent, even dominant, player in the market—from becoming a monopolist in that market.

We should give the mogul his due. He revolutionised newspapers in the United Kingdom. He made possible *The Independent*, which he is now apparently trying to kill. He has done the state some service. Yet he has now mounted a five-year campaign to drive other newspapers out of the market—not only the threatened *The Independent*, but *The Guardian*, *The Daily Telegraph*, and all the rest. Only the *Daily Mail* is perhaps beyond his reach. To accomplish his goal, he has had the power of profits generated in another market—satellite television, in which, in some areas, he enjoys a type of monopoly position—and has had special privileges. Favours were sought; favours were given; favours were exchanged; telephone calls were made.

On both sides of the House, a myth grew up that a United Kingdom general election cannot be won without the party winning it having the favour of one of Mr. Murdoch's newspapers—*The Sun*. I think that that is manifestly false. Labour would have won the general election, and the Conservatives would have lost it, whether *The Sun* had supported the Labour party, the Conservative party, the Liberal Democrats or the flat earth party.

Mr. Murdoch—the McNally amendment is very much about Mr. Murdoch—is not a British citizen and does not run a British company. He has great power. It is the independent view—if there may be such a view—that Mr. Murdoch's power has increased, is increasing, and should be diminished. We have a chance through the amendment to diminish it, or at least to rein it in.

There surely is and has been in this country such a thing as a culture of greed. There was a culture of greed in our body politic, and the electorate dealt with that at the general election. If they had not, I would not be here, quite by chance.

There is also surely a culture of greed in our newspaper industry, in which nothing matters but the bottom line, and in which the front page is adjusted to accommodate one man's commercial interests. The acquisitions of his publishing house are adjusted to accommodate his commercial interests.

The answer lies with us. We can do something about it. There is such a thing as an overriding public interest. Hon. Members can defend it, and I think that the people who sent us here demand that we should.

6.1 pm

Mr. Giles Radice (North Durham): I am glad to be called to speak after the hon. Member for Tatton (Mr. Bell).

I support the Bill, which is a good one and will improve competition. I understand the problem faced by Conservative Members—who, before the general election, proposed a draft Bill, on which this Bill builds. They committed themselves in their general election manifesto to such a Bill. Therefore, the arguments that we have heard today from them are mostly specious.

[Mr. Giles Radice]

The hon. Member for Tatton has just raised the predatory pricing issue. I do not believe that the Bill's passage is the occasion on which to deal with the wider Murdoch issue—the fact that News International has too large a share of the United Kingdom newspaper market, and that that gives Murdoch too much political power—although I certainly agree with the hon. Gentleman's comments on that issue. We will have to consider also wider issues of press freedom—about which my hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Soley) has been such a notable advocate.

The Bill's passage is also not the occasion on which to comment on *The Times*, or the fact that—although it has some good writers—it is no longer a paper of record. Nor is it the occasion on which to say that *The Sun* occasionally has a malign, xenophobic influence. I always find it an irony that a newspaper owned by an Australian-American should be so consistently unpleasant about Germans, French, Italians and Spaniards. However, the Bill's passage is not the occasion to discuss that.

We are dealing with a specific issue—predatory pricing. I believe that there is a prima facie issue of predatory pricing in the broadsheet market. Over five years, *The Times* has consistently priced below cost, and often considerably below cost. Currently, it cuts prices only on Monday and Saturday—although, as it has been raising prices on those days, the campaign against such pricing has had some effect. Nevertheless, such pricing has meant that *The Times* runs consistently at a loss.

The Times's pricing is not only a marketing mechanism but a deliberate strategy of predatory pricing. The purpose of the pricing seems to be to undermine *The Independent*, to put it out of business, and then to attract some of its readers so that *The Times* might be able to overtake *The Daily Telegraph*. Certainly there is a prima facie case. I agree that that must be proved—which is the purpose of the Office of Fair Trading. It has not been proved so far, but, of course, the matter has not been examined since 1994, which was quite a long time ago. As has been said in this debate, it may be that some of the predatory practices are used not just by News International.

Let us be clear about it: there is danger in such predatory behaviour. If one newspaper is knocked out, the market will be less diverse than it was. Moreover, such behaviour will have an effect on all newspapers in the broadsheet sector, as each of them must react to action of *The Times*, thereby taking money out of the broadsheet market. Consequently, there will be not only less profit but less money to spend on journalists and on improving the product's quality.

Predatory behaviour also makes it more difficult for new newspapers to enter the market, as they will have to pay the extra costs of below-cost pricing. That is what makes it so bad for competition.

Mr. Ian Bruce: Hon. Members seem to be concentrating on a very narrow issue. Nevertheless, will the hon. Gentleman help me with an issue that I find difficult to understand? On several occasions, *The Times* has almost gone out of business. Is the hon. Gentleman saying that a newspaper that may go out of business if it does not take competitive action—thereby pushing someone else out of business, so that there is room in the market—should always be attacked by the Government? Surely the great difficulty for any competition regulator will always be in deciding whom he should back in such battles.

Mr. Radice: I agree that the issue is complex, which is why I said that there is only a prima facie case of predatory pricing. As I do not have all the figures—I do not think that anyone has them all, because News International is not at all keen to provide them, although we have asked—I cannot prove the case. The matter will therefore have to be examined by the Office of Fair Trading.

Mr. Bercow: Will the hon. Gentleman give way?

Mr. Radice: No. I should like to develop my argument, as my speech will be very short.

The question for Labour Members—for all hon. Members—is whether the Bill will deal with the predatory pricing issue. The Lords made their amendment—which is now clause 19—because the majority of those voting there did not believe that the Bill did the business. Lord Borrie—who is a distinguished member of the other place, a Labour party member and, as a former Director General of Fair Trading, a great expert in such matters—took the view that the existing powers had to be strengthened. Given earlier decisions on predatory pricing, that may very well have been so.

I asked Lord Borrie whether he thought that this Bill did the work. He was uncertain about that, but he did not believe that it would. He thought that there should be a special clause dealing specifically with the newspaper industry.

I am sympathetic to clause 19, and certainly to the idea behind it. It is difficult to argue that we cannot deal specifically with the press when the mergers legislation has specific provisions for the press. The argument therefore does not stand.

Perhaps the Bill is too broadly drafted, and gives too much power. As my hon. Friend the Member for South Thanet (Dr. Ladyman) said in his intervention, the Bill gives very wide powers, which will have to be examined. We will have to examine also the Government's argument on the matter, which was made clearly for the first time only today. In the House of Lords, the Government did not set out their position.

Mr. Letwin: Will the hon. Gentleman give way?

Mr. Radice: Yes, all right, but I thought that Conservative Members were not particularly interested in this argument, which is largely among Labour Members.

Mr. Letwin: I am grateful to the hon. Gentleman, who is making a considered speech of great interest. If, as he said, Lord Borrie was right, and the Bill without clause 19 did not do the business in the newspaper industry, is he maintaining that it does the business in other industries; and, if so, what is the salient difference?

Mr. Radice: No; I think that the hon. Gentleman misunderstood me. I said that existing legislation did not

do the business. We must consider whether the Bill would enable the Office of Fair Trading to deal with predatory pricing in the newspaper industry.

The position was first properly set out this afternoon, and I congratulate my right hon. Friend the President of the Board of Trade on that. As I understood her, she said that clause 18 set out certain conduct, including predatory pricing, that would amount to an abuse of a dominant position. She went on to link that to clause 60—I do not suppose that the right hon. Member for Wokingham (Mr. Redwood) is too keen on that clause—which sets out various ways in which the principles of European legislation are to be brought into British law.

The principles are laid down by treaty and by the European Court of Justice, and any decision of that court must be taken into account, not only in British courts but by the Office of Fair Trading. The court must also have regard to any relevant decision or statement of the Commission.

I am not a lawyer, but it seems to me that the Tetra Pak case set a tough legal test for predatory pricing. The ruling was:

"Where an undertaking fixes its prices at a level below average variable cost, it is to be conclusively presumed that the undertaking's purpose was to harm its competitors."

That would catch News International.

A Library research paper tells us that one legal test in the Commission definition of what constitutes a dominant position is

"whether the company enjoys economic strength which enables it to prevent effective competition through its power to behave independently to an appreciable extent of its competitors, customers and consumers."

That is precisely what News International has done. It has been able to act independently by using its profits from elsewhere, including perhaps satellite television, to subsidise and cut the cost of *The Times*, in order, over a long period, to knock out one of its competitors and overtake *The Daily Telegraph*, presumably knocking that out in turn at a later stage.

For the first time, I have understood that the legislation contains what could be a powerful mechanism for dealing with predatory pricing, if such pricing is proved. It is good that the Government have set out their case, because they certainly had not done so before, and people, including me, were going around saying that the Government had not done enough on the issue.

The case that has been set out can be quoted in a court of law and used by the Office of Fair Trading, following the Pepper *v.* Hart case; that may not have the strength that I attribute to it, but it certainly shows that what Ministers say about legislation can be taken into account in the courts if there is any ambiguity about the law.

We should consider my right hon. Friend's statement very carefully. I certainly intend to get the best possible legal advice on the matter, although I hasten to say that I do not intend to pay for it: I hope to get some free advice. I want to consider carefully what happens in Committee and then to decide what action, if any, to take on Report. In the meantime, I shall take great pleasure in supporting the Bill in the Lobby.

6.14 pm

Mr. Alan Clark (Kensington and Chelsea): I am sure that we all have much sympathy with the President of the Board of Trade. She is faced with an extraordinarily muddled Bill, and many of the large body of supporters behind her do not like many of its provisions; they have given vent to that feeling in many interventions, to which she responded most graciously. I do not even blame her for running away from the Chamber—she has been absent for some time—so as not to have to put up with any more comment on this peculiar Bill.

The right hon. Lady is in such a muddle because the Bill, particularly clause 19, embodies a paradox. A monopoly is considered undesirable because it overcharges its customers; but now, all of a sudden, we are being told that a monopoly is dangerous and undesirable because it may undercharge its customers.

Labour Members, greatly assisted by their allies in the press, spent a great deal of time in the previous Parliament holding up to opprobrium the syndrome of fat cats and the way in which the privatised industries kept putting up their margins and overcharging. Now, all of a sudden, many of them appear to be protesting about undercharging. It is small wonder that the President of the Board of Trade, when questioned in any detail, takes refuge in delegation to the Director General of Fair Trading. She says that she seeks endorsement for the principle only, and that all the little detailed questions will be settled by the director general.

The hon. Member for Sunderland, South (Mr. Mullin) asked my right hon. Friend the Member for Wokingham (Mr. Redwood) what he would say to the fact that *The Times* has lost/spent £75 million on undercharging. My answer to that question would be, "Thank you very much," because undercharging, as the hon. Gentleman calls it, is a transfer of wealth from the supplier to the consumer; so what do we have to complain about?

Mr. Mullin: It is a question of motive. If Mr. Murdoch is donating £75 million to the consumer out of the goodness of his heart, we can all celebrate and hope that the largesse will continue indefinitely; but if, by any chance, his intention is to put his rivals out of business and then increase his prices in order to get back all that he has lost and a great deal more, that is not so desirable from the consumer's point of view.

Mr. Clark: I am delighted to have drawn the hon. Gentleman. He says that it is a question of motive; in other words, the judgment is subjective. I do not want to trust the Secretary of State, or anyone else, with a subjective judgment on what Mr. Murdoch's motives are.

Dr. Ladyman: To judge from his comments, I can only assume that the right hon. Gentleman intends to support the Bill, because it takes out the subjective questioning of people's intent and replaces it with a mechanistic system for determining whether predatory pricing is occurring.

Mr. Clark: I am grateful to the hon. Gentleman for enlightening me about an aspect of the Bill that I had not yet observed, but, in the time-honoured phrase that I always use when my constituents ask me whether I intend to support or to oppose any measure, let me say that I intend to listen to the debate.

Mr. Letwin: Does my right hon. Friend agree that, if the defence put forward by the hon. Member for South

[Mr. Letwin]

Thanet (Dr. Ladyman) were correct, the Bill would mechanistically outlaw all firms that were making a loss, and would therefore outlaw a great part of British manufacturing industry?

Mr. Clark: That might be the case, and that is the great vulnerability of the argument.

The hon. Member for Sunderland, South is by no means a sinister individual—he is most gifted, sensible and creative—but he has introduced the sinister concept of motive, which is entirely subjective. The hon. Member for Cheshire, wherever it is—[HON. MEMBERS: "Tatton."] The hon. Member for Tatton (Mr. Bell) was hot on it too, but we do not want to bring motive into our debate or our judgment.

I draw the House's attention to clause 19, which is the kernel of the Bill. It refers to

"Any conduct on the part of one or more national newspaper".

The President of the Board of Trade demolished that concept quite effectively. However, in subsection (2), it continues:

"Conduct may, in particular, constitute such an abuse if it consists in

(a) any of the forms of conduct specified in section 18(2);

(b) other action which may reduce the diversity and independence of the national newspaper press".

What on earth would the House be doing if we decided to interfere in the diversity and independence of the national newspaper press? We do not interfere much in the diversity and independence of the defence industry, or the automobile industry. In fact, we encourage standardisation, mergers and a diminution in the number of individual trading elements.

All of a sudden, we have been asked to decide that we must take great care of the

"diversity and independence of the national newspaper press".

That is a function of the peculiar relationship that most of us have with journalists, to which I shall turn in a couple of minutes. First, however, let me discuss the issue of underpricing. We have talked about how deplorable it is that existing newspapers should be underpriced, but what about a new newspaper? That would certainly increase diversity and independence.

Let us suppose that Mr. Murdoch—I am afraid I cannot avoid mentioning his name—decided to introduce a new newspaper, and to make it as much like *The Sun* as possible, which would not be difficult, as the ingredients of luddism, class war and soft porn are not hard to replicate. He could present his new tabloid to the public at just 5p. What would we do about that? Would that be caught by the Bill? Surely not, for he would be increasing the "diversity and independence" of the national newspaper industry.

I cite that example simply to illustrate the idiocy of trying to tamper with the market system. Labour Members are trying to tamper because, for some reason, they suspect the motives involved and want to impose their own subjective judgments.

Mr. Radice: I think—at least, I hope—that the two main parties share the view that predatory pricing, if it can be proved, is not a good thing. Indeed, it was outlawed, as far as I know, by the Competition Act 1980, which was introduced by the Government of which the right hon. Gentleman was such a distinguished member.

Mr. Clark: I think that the hon. Gentleman is a lawyer—

Mr. Radice: No; of course I am not.

Mr. Clark: The House will note the vehemence of the hon. Gentleman's rejection of the profession to which I have been proud to attach myself since passing the Bar finals in the late 1950s.

I do not think that there is much case law on predatory pricing and what cases there have been have proved exceedingly difficult. Quite honestly, I think that there is no such thing, and I reject the concept. I know that it may have been embodied in some statute at some point, but nothing much has happened as a result. If predatory pricing means discounting, I am in favour of it, and so must be almost any consumer.

I return to the peculiar motivation that affects us because of our relationship with journalists. We know that all newspapers—even such high-minded organs as *The Independent*, whose imminent death must owe as much to the extraordinary boredom it generates in its readers as to the price differential between it and *The Times* on Saturdays, and even such pretentious organs as *The Guardian*—in their different ways, use deception, short cuts and censorship of their staff.

We in this place stand in great awe of journalists, but are they not often victims of their squalid and unfulfilling life styles and their dependence on alcohol and narcotics? They should be objects of our sympathy, and we should commiserate with them. I do not say that we should feel particularly friendly towards them but, equally, I deplore the idea that we should regard them with suspicion or hostility, because many of them are objects of pity who have to trade constantly in a commodity that they must distort. They have to exclude the truth, and even their own words are constantly tortured, riddled and excised by sub-editors.

Mr. Keith Simpson (Mid-Norfolk): Are my right hon. Friend's comments about the ladies and gentlemen of the press based partly on his own experience of writing a column for a Sunday newspaper? Is this the applied side of his political experience?

Mr. Clark: All hon. Members have multi-faceted characters. One of our advantages, or so we are often told, is our ability to inform our comments in the House from our personal experience. If my hon. Friend chooses to interpret my behaviour in that way, far be it from me to correct him.

I revert, finally, to Mr. Murdoch, and the extraordinary way in which the House—and practically everyone in politics—is obsessed with him. At any given moment in history a particular villain in the media—a press lord or tycoon—has been subject to excessive attention from the House. It may have been Lord Harmsworth, Lord Northcliffe or Lord Kemsley; it certainly was Lord Beaverbrook, who was an object of great opprobrium in the House for many years.

Beaverbrook made Governments, undermined Governments, entered the Cabinet in the coalition Government, fancied himself displacing Churchill as Prime Minister at one point, and shamelessly used his papers as a political organ to advance his ambition. And what happened to Lord Beaverbrook? He has disappeared; his family has disintegrated. One of the few remaining scions is the constant subject of pointless pursuit by an hon. Member who sits over there in glasses and whose name I cannot remember—[HON. MEMBERS: "Pendle."] It is indeed the hon. Member for Pendle (Mr. Prentice), who is always telling us that Jonathan Aitken, Lord Beaverbrook's sole remaining descendent in public life, should go to prison.

What has happened to the rest of the Beaverbrook empire? What has happened to *The Express* and *The Sunday Express* and the whole of the Beaverbrook structure? It has all disappeared. If hon. Members are patient enough, they may well find that the same thing happens to our present bogey man.

Clause 19 is absurd. It is inconsistent and contradictory, and it is little more than an attempt at censorship by the back door.

6.28 pm

Mr. Chris Mullin (Sunderland, South): It is always a pleasure to follow the right hon. Member for Kensington and Chelsea (Mr. Clark). I do not think that he knows it, but he is on the Government's side, because they take the same position on clause 19, which they did not put into the Bill and which they will take out. I accept the argument that it is not wholly logical. I think that I caught him saying that we should not interfere with the free market. We are talking not about that but about the subversion of the free market.

I and most Labour Members believe in a regulated free market, while the right hon. Gentleman believes in a rather freer version of it than do most of us. That may be a fundamental philosophical difference between us, but in this case we are in favour of the free market and do not think that one exists. We are anxious for the Bill to rectify the situation.

I support the broad aims of the Bill. There may again be a fundamental philosophical difference between most Labour Members and most Opposition Members, but it is wholly desirable that United Kingdom competition law be brought broadly into line with European competition law. I listened carefully to my hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Soley) but, with the greatest respect, although there may be a place for a media Bill one day, we do not have one; we have only this Competition Bill. We must take our chances where we can get them, and that is here. We must not allow ourselves to be diverted.

The acid test of the Bill, as I said in an intervention on the President of the Board of Trade, is whether it will stop the practices in which the Murdoch press and others—I accept that others have behaved in the same way—have engaged fairly systematically—in the case of the Murdoch press, absolutely systematically—since September 1993. From the fact that the Office of Fair Trading has examined the matter three times, it is clear that existing law is hopelessly inadequate. As my hon. Friend the Member for Chester-le-Street remarked—

Mr. Radice: North Durham.

Mr. Mullin: I beg my hon. Friend's pardon; time moves on. The effect of predatory pricing so far has been to remove £100 million from the broadsheet market and threaten its diversity. It has also had some impact on the tabloid market, which has not been much mentioned.

On whether the Bill will achieve the effect that I and many others want it to achieve, I have an open mind. I could be persuaded. As the right hon. Member for Kensington and Chelsea said, proving motive is a hopeless way of going about things unless one is fortunate, as with the case of Tetra Pak and one or two other key European judgments, in finding documents that demonstrate motives. I do not think that we will find the smoking gun in this case. However, the world is not short of ex-Murdoch executives. I have had the benefit of speaking to one or two of them. Some have told me that they heard the man himself talk about sinking rivals; they heard the words from his own lips. I accept, however, that no one is going to put his thumbprint to an affidavit confirming that.

It is not very constructive to dwell on motive, but we should be under no illusions about how the Murdoch empire operates. I agree there have been similar media moguls in the past. Lord Beaverbrook was mentioned. He was a monster, and I like to think that most of us who are unhappy about how the Murdoch empire operates would have held a similar view on Beaverbrook if we had been around.

Mr. Bercow: Does the hon. Gentleman agree that, if it is Mr. Rupert Murdoch's intention to destroy all his competitors, he has singularly failed to do so, given that there has been a 14 per cent. expansion of the broadsheet market in the past six years? Does that not suggest either that his interpretation of Mr. Murdoch's motives is wrong or that Mr. Murdoch has been unsuccessful?

Mr. Mullin: I can say only that Mr. Murdoch is working on it. It may well be that he will allow one or two to live. It gives me no comfort that the one that he has mentioned might live is the *Daily Mail*. I am not all that bothered about his motives, even if they are as pure as the driven snow; it is their effect that interests me.

The right hon. Member for Kensington and Chelsea asked what we were doing interfering in the world of newspapers. We have to interfere to a limited extent to ensure diversity, which is the lifeblood of democracy. There is an obligation on Parliament to do that. It is not for us to interfere in which individual owns a particular newspaper or which editorial opinions he or she advances, but to lay down general ground rules that ensure that we have diversity, which is a precondition for democracy, is a perfectly honourable ambition. That is the extent of our legitimate interest in this debate.

A number of red herrings have been raised. Perhaps Mr. Murdoch's name has been mentioned too much. Someone in high places told me the other day that, if the intention of those who are sceptical about the Bill is to get Murdoch, this was not the place to do it. It is not my

[Mr. Mullin]

intention to do that. I do not flatter myself or my colleagues with the power to do so even if we thought it desirable. If we were introducing a Bill to deal with him, predatory pricing would be ninth or 10th on the list of possible measures. I can think of many other things to consider if the glorious day ever dawned when we had a serious conversation with Mr. Murdoch about his modus operandi.

Let us disregard the idea that it is all about Murdoch; it is not. Any company that engages in such practices—as some others have, though mainly in response to the newspaper price war triggered by News International—should be affected by the Bill. When one company has 33 per cent. of the national newspaper market and 28 per cent. of the broadsheet market, it is inevitable that its name will crop up more than that of anyone else, but this is not about singling out, or getting vengeance on, any individual or company.

It is sometimes said that this is all about saving *The Independent*, but it is not. If *The Independent* were to go down the plughole—I hope that it will not—there would be a variety of reasons, one of which might be the price regime introduced by the price war. This is not the right place to go into the other reasons. It is not about saving *The Independent*.

My hon. Friend the Member for North Durham (Mr. Radice) and I have taken a close interest in the matter and we have talked to representatives of most of the interested parties, including News International. News International put to us a couple of arguments that it is only fair to address. First, it says that what it has engaged in for the past five years is a reasonable commercial strategy whose object is to make it a market leader. It did not give a precise figure, and I am not sure that it necessarily knew one, but when I asked how much the strategy had cost so far, the chairman of the company replied that he had read reports that it had cost around £150 million but that something less than half that was the amount. That is where I get my figure of £75 million for the pursuit of this reasonable commercial strategy.

Unfortunately, News International's accounts are not sufficiently transparent for us to be able to tell whether the sum is £75 million or a much larger one. If it has cost only £75 million so far, it had better produce some figures that can be independently verified. However, as I said, such is the nature of News International's financial arrangements that that is quite difficult to do.

The second argument that News International advances is that others do it. I quite agree, and where others do it, they should be stopped, too—we should have a level playing field.

The third argument is that any consideration of the cost to News International should take into account the fact that increased circulation has enabled the company to increase advertising revenue and that therefore the losses are not as great as some have alleged. I accept that, and it is a reasonable argument; however, News International representatives told us that losses were about £75 million, which I assume takes into account any gains in advertising revenue, so, although I do not necessarily accept the figure given by News International representatives, it provides a good starting point and makes it clear that the strategy is being subsidised—funded from god knows which part of the empire.

There are several remedies to the problem that most people agree exists. I welcome the provisions that give the director general, or whoever is in charge of investigating, interim powers to stop the practice of predatory pricing. One of the difficulties is that any court case arising from the Bill could last three or four years and the companies under threat might disappear before the case was resolved, so interim powers are needed. I also welcome the fact that there are serious penalties.

I accept that clause 19, regrettably, is defective, but we should be grateful to Lord McNally and his allies, because, by inserting that amendment in the Bill, they have forced the Government and the House to think seriously about predatory pricing. To that extent, we should not be churlish, but be grateful to the other place for highlighting an extremely important issue.

There are two potential remedies. One is to amend clause 18, inserting the terms of the Tetra Pak judgment, which is the standard European case on this issue. The Government say that doing that would narrow, rather than widen, the scope of the Bill. As my hon. Friend the Member for North Durham says, the Government draw our attention to clause 60, which, they say, taken with clause 18, would resolve the problem. I wish the Government had drawn our attention to clause 60 a little earlier in our proceedings, but I am grateful that they have done so. I am attracted by their argument and will think seriously about it and take independent advice. I agree that it is perfectly possible that it provides a solution to the problem.

The second potential remedy is to include in the Bill a specific reference to newspapers. My right hon. Friend the President of the Board of Trade said that she is not keen on doing that, but there is a precedent—the Fair Trading Act 1973 does exactly that. The answer to the question, "Why newspapers?" is as I said when responding to points made by the right hon. Member for Kensington and Chelsea: with all due respect to the present owners of *The Independent*, newspapers are not cans of baked beans, or packing cartons, which were the subject of the Tetra Pak judgment; newspapers are the lifeblood of democracy, and that is the case for including specific reference to newspapers in the Bill.

Dr. Ladyman: Clause 19(3) already contains a reference to newspapers. Is it not possible that that might limit the scope of the Bill, because it would not be possible to take into account the fact that the person doing the predatory pricing might own other media interests, as indeed does the gentleman most often mentioned in our debate?

Mr. Mullin: Yes, that is perfectly possible, and it is another matter on which I intend to take advice, which is why I shall not come to any firm conclusion this evening. We are in no great hurry: there is at least a month to go before Report is concluded, and, by that time, it will have been possible to take advice from people more expert than me and to ensure that one does not have to be wholly dependent on the advice offered—with, I am sure, great good will—by Her Majesty's Government.

The other reason given for there being no specific reference to newspapers is that that is not done in other countries—the law with which we are seeking to align ourselves does not make such reference. I acknowledge the truth of that, but we have Murdoch and they have not.

I want to be convinced. The Bill is basically good and it contains many good things, but I am absolutely clear in my mind that we have to be convinced that it will put a stop to what is currently going on in the national newspaper industry—not only in the broadsheet market, but in the tabloid market as well—because it is dragging the whole industry down, sucking out profits and the capacity for investment. That will have serious consequences in the end, so, before giving approval to the Bill in its present form, the House must be convinced that the problem will be addressed.

I listened carefully to what my right hon. Friend the Secretary of State said, and I know that she does not want to get involved in particular cases, but I believe that we could hear something firmer than we have heard from the Dispatch Box today and I shall be on the lookout for such sentiments as the Bill wends its way through its Committee and Report stages.

6.45 pm

Mr. Ian Bruce (South Dorset): I am grateful to be called so early in the debate, and to follow the hon. Member for Sunderland, South (Mr. Mullin). It was interesting to hear him say that, at least on this occasion, he is in favour of free markets—

Mr. Mullin: Regulated free markets.

Mr. Bruce: I am sorry—I am sure that we will all read *Hansard* to find the exact words he used. I was certainly touched by what I thought he said.

I am not sure whether I need to declare an interest. I have no interest in newspapers, but, as I intend to speak later about regulation of the electronics industry, I shall declare that I am a paid adviser of the Telecommunications Managers Association, although I have not been briefed by the association on this Bill; nor am I speaking on its behalf in any way.

It is strange to sit listening to what the Government appear to be saying about the Bill. When they were in opposition, it was clear that they perceived certain evils in the free market which, when they were in government, a competition Bill would be brought in to address, yet, however much we have tried to tease it from the Government, we have not heard a word about the list of evils with which they are planning to deal. We have heard hon. Members on the Liberal Benches and on the Government Benches—the two may be one and the same—speak about a particular evil they perceive within the newspaper industry, but they are all of one view that the Bill does not deal with that evil. That is strange. We need from the Government a list of what they are trying to do.

I spent this weekend in Romania, speaking to the people there about democracy and how democratic institutions can help to ensure that the people and the Government stay in touch with one another. On those occasions, one is always keen to tell people that a democratic institution is not a magic bullet that cures all the problems of the world.

However, listening to hon. Gentlemen so far and, I am sure, hon. Ladies later—I am sorry; hon. Ladies and Gentlemen so far, as we have already had an hon. Lady speak—one has to conclude that they believe that the Government can intervene effectively to regulate the markets to some public good. They are muddled in their thinking and need to define what they are trying to achieve and what the problems are. In that way, we can have a sensible debate in Committee and determine whether the Bill as drafted will allow a regulator to do what the Government intend it to do. Conservative Members may support some of the Bill's proposals.

In the summer, the refrigerator in my flat in London broke down. Many of my constituents voted Labour in the general election and no doubt they had heard, as I had, the hon. Member for Edinburgh, South (Mr. Griffiths), now the Minister for Competition and Consumer Affairs—whom I am glad to see in his place—making loud claims for a reduction in the price of electrical goods, particularly white goods. Colleagues told me that there would be a 30 per cent. reduction. The Minister should listen to me, as I am referring to his claims, but he is clearly being briefed about what he should have said.

I was disappointed because I had to buy a new refrigerator, and, when I went to the shops, I found that I had to pay a price that, because of inflation, was a little higher than it had been under the previous Conservative Government. I thought, "If only I had been able to wait until Christmas, I could have got the 30 per cent. reduction." I checked the price of the refrigerator after Christmas, and it was in fact higher. Inflation was continuing to rise and there was no magic bullet to reduce prices, which the Minister for Competition and Consumer Affairs had promised consumers, who want measures to reduce prices, not to support a newspaper that nobody wants to read. The great reduction in prices promised by the Minister—I am grateful that he is no longer chatting—to the country and to the House did not occur.

When Ministers were members of the Opposition, they had to buy their own refrigerators, but one of the perks of government is that free fridges are installed in Ministers' rooms in the House and in their Government offices. I am not impugning their characters, because that perk was enjoyed by Ministers in previous Governments, but often refrigerators provided by the Government are installed in Ministers' homes.

Mr. Bercow: I am listening with rapt attention to my hon. Friend's contribution, but, to avoid doubt, will he clarify that he is not for one moment suggesting that the Minister for Competition and Consumer Affairs is planning to share the contents of his fridge with those dissident Labour Members who are threatening to vote against the Bill?

Mr. Bruce: I am sure that my hon. Friend knows that Ministers are always generous to Opposition and Government Members who visit them in their rooms. I would not impugn the Minister's reputation by suggesting that he would be doing anything other than providing normal hospitality. I understand that the Government put aside money for that purpose. None of us would suggest that that was a problem.

Mr. Mullin: When I last visited a Minister at the Department of Trade and Industry—which was not long ago—I was offered a glass of red wine from a bottle labelled "Redwood".

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. If the debate continues along this line, we will all begin to feel thirsty.

Mr. Bruce: I am already feeling thirsty, and I was about to say that, if we continued along this line, I would be called to order because the debate was going wide of the mark.

[Mr. Bruce]

Competition is an important subject, and we have heard almost nothing about it today. I was somewhat surprised that no hon. Member mentioned the costs that are imposed on the Government, because their buying mechanisms are not subject to competition.

I was planning to decorate my flat, which is in a block where I believe the President of the Board of Trade owns a flat, which she does not occupy at present, and where my right hon. Friend the Member for Wokingham (Mr. Redwood) also used to have a flat. I was able to find out in the marketplace what it would cost to have my flat decorated—about £1,300. My wife, who is very canny, said that that was too much, and asked me to decorate it myself. I found that I was able to save about £450 a day by doing my own decorating, so perhaps I was efficient. That, as I am sure the House already knows, compares with the £76,000 that the President of the Board of Trade had to pay. It is important that we consider how to achieve value for money and competition.

I am worried that the Government have not tried to analyse the problems. I have often suggested that the Government should learn from the mistakes that Conservatives made in office. Why should this Government make the same mistakes? One of our mistakes was that we responded to reports about how pubs and breweries operated in the marketplace by deciding to intervene. We told the breweries that it was anti-competitive to own so many pubs and to have tied agreements, and so on. Our intervention was intended to help pubs, small breweries and consumers—everybody except large breweries was supposed to benefit—but everybody complained about the results. Complaints were made, in particular, by the owners of small pubs and people who were thrown out of work because they were the tenants of large brewery chains. The intervention had many bad effects.

The Government should go through the list of measures that are under consideration, and examine which industries will be caught by the Bill. In Committee, we should discuss in detail how the Bill will operate. It is no good our introducing a law and saying that somebody else will decide how to operate it. We can decide how a sensible regulator should operate that law. Of course, the Minister cannot say exactly what will result from having an independent regulator, but we ought to analyse what we are trying to achieve.

Dr. Ladyman: I hope that the Government will turn their attention to brewers and public houses in the not-too-distant future. The problem was not the previous Government's intentions when you started to reform competition in that industry, but that you lost your bottle halfway through and cobbled measures together, which was when things went wrong.

Mr. Bruce: You, Mr. Deputy Speaker, never lost your bottle, and the previous Government did not. They ameliorated some of the worst aspects of that business. This Government should analyse that and try to come to a sensible view. We are the servants of the people and this is a people's Government. We are trying to achieve what the people want. However, we must be certain what the Bill's effects will be.

People want cheaper prices. We are not trying to stop someone giving people a deal on a horrible newspaper. Frankly, all the newspapers that are currently being produced are a load of rubbish, and that industry is going electronic anyway. People want cheaper newspapers, and perhaps competition would force up quality because people would be willing to pay more for a high-quality product. If somebody is foolish enough to want to subsidise a product for five years, we must be careful that the Bill will not affect that.

The Bill is complex, and if the Committee of Selection wants me to sit on the Standing Committee, I shall have many more opportunities to examine it in detail. I am worried that any dominant company—which could be one that is dominant in a small marketplace such as a village—that takes any action that is part of its normal marketing strategy could be caught under the Bill. I am worried that companies will stop implementing such strategies because they will be over-cautious. They may well be able to go to the competition regulator and ask whether their actions are allowed, but if that costs money, they will not want to do so.

The Bill may prevent the cautious from taking action, and will certainly catch the unwary. That is so often the problem with legislation. Companies do what they think is a good deal for their customers and try to undercut the market, but find later that they have breached regulations. There is a danger of retrospective charging, so we shall need to look at the problem in great detail.

We have heard complaints about people charging too much and charging too little. Many manufacturers deliberately impose a high price on their products. I was in Japan with a parliamentary delegation. We took with us some whisky miniatures—

The Minister for Competition and Consumer Affairs (Mr. Nigel Griffiths): Oh?

Mr. Bruce: I hasten to add that it was 10 years ago. I believe that the miniatures were supplied by a Government Whip. Everywhere we went during our 10-day stay we gave away these small bottles of whisky to the people we met, and we told them that we could not sell more whisky—one of our most successful exports—to Japan because it was too highly taxed there.

A retired Japanese diplomat accompanied us throughout our trip. He was very polite, as the Japanese always are, and at the end of our stay, when we had got to know him well, he said that he had listened to us making our pitch to Japanese politicians and business men about the price of whisky being too high in Japan. Not true, he said. "You sell so much whisky in Japan," he said, "because it is the most expensive drink people can buy here." It seems that the Japanese do not buy whisky just because they like it; when they give a glass of Scotch to a customer or friend, they are in effect telling them that they like them so much that they are willing to buy them the most expensive drink on the market. If the price were cut to the level of Suntory whisky, people might buy something else instead.

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): While the hon. Gentleman is discussing whisky, a subject close to my heart, can he explain why,

in the past year, when the Japanese have reduced the duty on Scotch whisky, exports of it to Japan have increased substantially?

Mr. Bruce: The hon. Gentleman ruins my story—but that was the impression given us by the diplomat. Perhaps he was wrong, but the point that I was trying to make in my long—and I hope amusing—story was that people often decide to sell a product by putting its price up.

A vehicle produced in France which may be regarded there as a very ordinary one may be sold as a premium product in the United Kingdom, where people will buy cars because they know that they will impress their neighbours by owning, say, an Audi, a Renault or some other continental car. It would be wrong if the Bill caught such activity; it would be wrong if the Competition Commission were able to declare that that was wrong pricing.

I do not suggest for a moment that we should ignore our duty to consumers to ensure the best deals and prices for everything. Indeed, keeping prices down is more important to me and my constituents than keeping them up. Hence the need to examine this area of the Bill in Committee with extreme care.

There is a tendency in the House to believe that regulation could sort out the newspaper industry and the so-called predatory activities of Rupert Murdoch. There is already a great deal of regulation of the broadcast media. No one can start broadcasting, by satellite, cable or digital interactive, without first putting in a bid to someone who will examine its quantitative and qualitative aspects.

Rupert Murdoch does not own the companies associated with him 100 per cent. When he first entered the market, however, the Conservative Government set up clear competition between Sky and British Satellite Broadcasting. I assume that it is now called British Sky Broadcasting so as to avoid changing the letters on the side of vans. Neither company made any money at the outset, and everyone suspected that they would go out of business.

In the end, Murdoch took over his rival, the squarial disappeared, and British Sky Broadcasting was born. He managed to tie up the contents of his programmes, in the sense that he broadcast movies and sports which he knew the market wanted. He was very clever, and he ended up with the dominant position in satellite broadcasting.

When cable television entered the market, the Government again set up competition. Operators had to put in bids; we ensured competition with the telecommunications companies. Cleverly, Rupert Murdoch went to the cable industry and said, "I have this product; I can give it to you at a competitive price." He thereby achieved a virtual monopoly of the premium channels going into cable.

When it came to digital terrestrial, Sky observed another company offering a new product. Somehow Murdoch persuaded the ITC—despite the fact that his licences gave him no such rights—to broadcast his programmes on terrestrial. He convinced the ITC that his bid would succeed because the others lacked a product. Strangely, the ITC decided that he should not be a shareholder, but guaranteed that his products would be used by the successful bidder.

Therefore, although regulations may be imposed in an attempt to create competition, they can have exactly the opposite effect. They failed in the case of digital terrestrial broadcasting, where healthy competition was intended. Some have suggested that it was all to do with Murdoch's support for the Labour party, but the ITC says that that is nonsense: it acted independently. I have no wish to throw around accusations, but it does make one wonder about Government involvement in such matters.

I end on the problem of double jeopardy and the regulators. We are to have a Competition Commission, but we already have many regulators—the ITC, the BBC and Oftel are all involved in telecommunications, and a whole string of regulators can be involved in the content of programmes. We must be careful to ensure that someone who believes that he has permission to do something does not discover that, while satisfying the competition conditions, he has fallen foul of one of the other regulators.

The Government were elected after suggesting that they would reduce the number of regulators in this area to one—yet here is yet another one. They keep setting up more and more regulators, or more powers for regulators, while doing nothing to reduce their numbers.

We shall have an enjoyable—and unfortunately rather long—time in Committee to discuss these difficulties. It will be interesting to see whether Labour Back Benchers who have appeared today say a word, or whether the bleepers will have done their work. I note a little smile on the face of the Government Whip, who always works charmingly to ensure that these things run smoothly. In any event, we would certainly enjoy any contributions that Labour Back Benchers might care to make in Committee.

7.9 pm

Mrs. Linda Gilroy (Plymouth, Sutton): It is a pleasure to follow the hon. Member for South Dorset (Mr. Bruce). I am one of the 101 female Labour Members, and the second female Back Bencher to speak tonight—perhaps the hon. Gentleman was not present when my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) spoke.

A robust competition policy, which the Bill seeks to bring about, is in the interests of consumers, business and the economy generally. It is good for the consumer because it tackles abuses of market power, cartel and other anti-competitive practices that act directly against the consumer interest—especially the interest of poor consumers. By introducing a single competition law and shifting the emphasis to a prohibition-based approach, the Bill should ensure that consumers have the benefit of the lowest possible prices, wider choice and the information on which to base that choice as well as to obtain value for money.

The Bill is good for business because, in moving to a prohibition-based system, it brings the United Kingdom provisions in line with the treaty of Rome, which has provisions dealing with anti-competitive or restrictive agreements which affect inter-state trade. Those existing European Union provisions already apply to some United Kingdom companies, and they will benefit from a reduced compliance burden. The Bill should also help to avoid inconsistency and potential conflict for them.

The Bill will be good for the economy, for if we are to be competitive abroad, we must begin with competition at home. Ministers have done a great deal by other measures to tackle the underlying problems that have caused our slide down the Organisation for Economic

[Mrs. Linda Gilroy]

Co-operation and Development league tables. The Bill is a key part of the programme to halt that decline and put it into reverse. I believe that consumers, business and those who understand the importance of competition to a thriving economy and our quality of life have good reason to welcome the Bill.

I shall focus on an important aspect of the way in which the Bill will especially help consumers of utility services. In particular clause 54 and schedule 10, give concurrent powers to the sector regulators who are responsible for our utilities.

As head of the south-west office of the Gas Consumers Council for 17 years before entering the House, I spent the latter years ensuring that the consumer voice was represented strongly in the passage of the legislation to introduce competition in the supply of gas to domestic customers. Competition has delivered significant price reductions to gas customers. The introduction of competition in the supply of electricity to domestic customers will soon achieve reductions for electricity consumers.

The Bill will give sectoral regulators and the Office of Fair Trading tougher powers to ensure that competition develops and delivers rewards fairly for domestic energy consumers. For the first time, there will be really stiff penalties for companies found guilty of anti-competitive behaviour. Those powers will be balanced by the right of appeal to the new Competition Commission, both for the companies concerned and for individual consumers, and I especially welcome the fact that individual consumers and those who represent them will have access to that process.

The Bill will continue the present system of so-called concurrency. Under general competition law, the Office of Fair Trading and the individual sectoral regulators already have the power to tackle anti-competitive behaviour. Such powers are not new, but the Bill will add significantly to their effectiveness.

I am aware that, in another place—and outside this Chamber—some concerns were expressed about those concurrent powers. To those who voice such concerns, I say that it is important to understand the deeply entrenched monopoly practices and legacies that the regulators must overcome to ensure, in particular, that the benefits of competition are brought to the provision of our energy supplies. Of course, we can do much to achieve that through the powers and duties of the sectoral regulators, as outlined in the utilities Green Paper, which is currently out to consultation, but we also need to toughen the role of general competition regulation, to ensure that the full benefits of competition can be brought to consumers.

The sectoral regulators need all the tools available to them to ensure that we move as quickly as possible from the rather artificial markets that exist at the early stages of introducing competition to the monopoly utility markets, to a position which, as nearly as possible, mirrors true competition. By allowing the sectoral regulators to choose the most appropriate regime—sector-specific legislation or competition legislation—with which to tackle a problem, we can ensure that decisions under the two regimes are consistent, not contradictory.

If sectoral regulators had to rely on only their specific regulatory rules and licences to tackle the problems of the utility industries, a brake could be placed on competition, with serious implications for innovation. Indeed, the regulated companies could then face double jeopardy: sectoral regulators investigating specific aspects while the Office of Fair Trading investigates the same behaviour under general competition law. If those powers are given concurrently to the sectoral regulators, they can bring their in-depth knowledge and experience to bear on the different sectors with their special characteristics.

I believe that special features of the utility markets mean that there will be an on-going role for sectoral regulators—increasingly as specialist competition authorities. Many predicted that liberalisation of the utility markets would lead to a competitive position that would achieve the best outcomes in its own right, and that, as time went by, there would be no need for sectoral regulation.

Several factors differentiate the energy markets from other markets, and will continue to do so for the foreseeable future. In the case of most products we buy, there is a wide choice to suit personal preferences, often involving choices of colour, size, taste and smell, as well as income. By contrast, for domestic energy customers there are, to all intents and purposes, no substitutes for electricity and gas, and very little in the way of product differentiation. That fact raises important equity and economic issues.

The equity concern that arises from lack of substitutes is that, in order to heat their home, a poor household needs to use broadly the same amount of electricity and/or gas as a richer household that lives in a comparable property and has a comparable heating system.

Mr. Redwood: I wonder whether the hon. Lady would like to comment on the Government's decision to place a moratorium on new gas-fired power stations. Does she believe that is anti-competitive, and is she urging Ministers to remove it in the interests of increasing competition in the electricity market?

Mrs. Gilroy: No. That is a matter for the Minister for Science, Energy and Industry, and I think that it is in good hands.

A poor household needs to use broadly the same amount of electricity to heat their home as does a richer household. Some less well-off households must pay up to nine times as much as richer households to obtain comparable warmth if, as is often the case, they live in housing that has less insulation. Because of those factors, energy expenditure generally forms a significantly larger share of the budgets of the poor—typically in the region of 15 per cent., although I have seen budgets in part of my constituency where as much as £1 in every £4 goes on fuel.

For better-off households, fuel typically represents 5 per cent. or less of household expenditure. In fact, less well-off households have—as is so often the case with competition, but arguably to a greater extent with fuel—more to gain from competition than better-off households. I am very pleased to note that, on Thursday this week, a conference is being organised by the Right to Fuel campaign, which will consider innovative ideas for ensuring that competition benefits as many fuel-poor households as possible.

Sometimes, however, competition needs a helping hand—or something stronger—to break down the barriers of old entrenched ways, and the Bill will help to ensure that, when a barrier gets in the way, it can be removed.

The economic concern arising from the lack of substitutes is the possibility that sellers of electricity and gas may be able to exercise monopoly power over all customers. In respect of gas, which is the fuel I know best, about 40 per cent. of the price is represented by the cost of transporting the raw material. Transportation is likely to continue to be a monopoly, except perhaps at the margins, and therefore subject to regulation.

Nevertheless, we must ensure that we come as close as possible to competitive conditions in our energy markets. Firms that thrive more than others must do so because they are more efficient, and prices must send the correct signals for firms to enter and exit the market. With some 40 per cent. of product cost accounted for by a charge for transportation, which is predominantly provided by a regulated monopoly, and the bulk of the remainder of the price being accounted for by a product for which there is little scope for differentiation other than on price, there are significant challenges in ensuring that competition is delivered to gas customers generally.

Central Government must take responsibility for creating a framework to deal with the distributional effects of market-led policies in our utilities. Although the benefits system may have some role to play, the sectoral regulators also have a role, using appropriate powers to ensure that the most vulnerable customers are protected, while bringing about a reasonably level playing field for new entrants. Similar challenges arise from environmental considerations. A range of regulatory interventions to promote energy efficiency and cleaner energy generation will be needed.

It is extremely important that the protection of vulnerable customers and the environment is combined with powers that ensure a level playing field for competitors entering and exiting the market. By giving the sector-specific regulators strengthened concurrent powers, the Bill gives them more effective tools to achieve that.

There must be consistency in concurrency. It will be essential to develop a single set of rules for all the enforcement bodies on how to proceed with competition cases, and to require the regulators to confer about further guidelines on how the prohibitions will be enforced.

Mr. Bercow: Will the hon. Lady give way?

Mrs. Gilroy: No. I am almost at an end; if the hon. Gentleman does not mind, I shall finish.

I understand that a concurrency working group has already been set up, with the Office of Fair Trading and all the sectoral regulators meeting regularly to produce a consistent approach to rules on enforcement and procedure. Such close co-operation bodes well for the future when the Bill is enacted, although I believe that a strong case is advanced for discussion in the Green Paper about merging the offices of gas and electricity regulation.

As well as co-operation between regulators, all decisions made under the Bill will have to reflect European case law, so that companies will face a similar set of rules whether they operate in the UK alone or across Europe. Provisions for appeal to the proposed Competition Commission add a further safeguard that regulation will be applied consistently.

The Bill is vital to ensure that the encouragement of competition in our utilities continues. For customers to have an effective range of choice of suppliers and related services in the utility sector, we need companies that can enter the market and compete on a fair basis. That requires an effective regime to deal with anti-competitive behaviour so that the old monopolists cannot force new competitors out of the market by unfair practices such as predatory pricing.

Utilities are an important sector of our economy. In 1995, they accounted for 4.3 per cent. of our gross domestic product. Britain has led the way in recent years in introducing competition to domestic customers in the sector. Competition has already delivered many benefits.

Mr. Redwood: We introduced it.

Mrs. Gilroy: Indeed, and we supported it.

To continue the process and to meet the challenges of tomorrow, we must ensure that we develop a framework that is an imaginative blend of competition law and sector-specific regulation.

The Bill is an essential part of bringing that about, through a formula that will allow us to be tough on regulation but determined in the encouragement of competition. I congratulate my right hon. Friend the President of the Board of Trade and her ministerial team on introducing the measure, and I shall take a keen interest in its progress.

7.23 pm

Mr. Oliver Letwin (West Dorset): In a rather long debate, we have heard a series of interesting exchanges about predatory pricing—which is described in the Bill as unfair pricing—including a bravura performance from my right hon. Friend the Member for Kensington and Chelsea (Mr. Clark). The debate has illustrated the extreme difficulty of discussing predatory pricing in an assembly such as this, and has shown beyond doubt that the Bill takes us no further forward in the definition of that perplexed term, or in the enforcement of provisions against it—if we are in favour of such enforcement.

I shall deal with a subject that has been mentioned by Labour Members and is touted by the President of the Board of Trade as one of the great advantages of the Bill, but which has received relatively little attention in the debate so far: the convergence between the proposals in the Bill and the provisions of European Union competition law.

Many hon. Members have examined Bill in depth, as have those in another place. Detailed inspection of the Bill, for which further opportunity will arise in Committee, reveals that it makes almost no intellectual advance in that complex area—except the purported advance of bringing UK law into harmony with European law. We must investigate whether the Bill achieves a useful purpose by the moves that it makes to bring our competition law into ostensible conformity with articles 85 and 86. I shall concentrate particularly on the provisions on prohibition arising from article 85 and chapter I of the Bill.

I apologise to the President of the Board of Trade, to the Minister for Competition and Consumer Affairs and to officials if I travesty their actions, but I imagine that, one fine morning shortly after 1 May, the right hon. Lady came into her new Department and told officials that it was essential that all Departments fulfilled their manifesto promises, because the Prime Minister had told her that

[Mr. Oliver Letwin]

that must be done by a people's Government. She explained that competition provisions needed total revision because the previous Government had done nothing for competition. I do not believe that there is the remotest truth in that assertion, but it was widely made before the election.

The new Competition Bill was to transform the situation. The President of the Board of Trade said that it must make the whole of our competition law harmonious with European competition law, because the Prime Minister—or was it the Chancellor of the Exchequer?—had told her the previous day that it was essential that everything should be made harmonious with Europe.

At that point, I think, the President of the Board of Trade retired to consider other matters, such as how to defend her various Ministers who were under attack from my right hon. Friends and others, and to do other things of greater immediate moment, leaving vast armies of intelligent and learned officials to concoct a Bill that fulfilled the remit of bringing our law into conformity with European law. The chapter I prohibition appears to do exactly that.

Detailed inspection of the Bill reveals an exemption in respect of what would be described in the old language as restrictive trade practices or, in the new language, as agreements operating against the public interest, if they are conducive to mergers or consolidations. That is extremely interesting. It suggests that, if I am in a particular competitive field, and I want to sign an agreement with my nearest rival—lower down the chain in a vertical agreement, or directly opposite me in a horizontal agreement—I must go through a complex process of obtaining guidance or rulings. I admit to being perplexed about the difference between guidance and rulings, but the Bill provides for that distinction, and I must seek one or the other, or perhaps both, possibly not just from one regulator but from many, because, as the hon. Member for Plymouth, Sutton (Mrs. Gilroy) pointed out, there are concurrent regulators.

I may spend several years obtaining guidance and rulings from various bodies, to find out whether the agreement or web of agreements that I want to sign would be legitimate. However, I have an alternative. I can avoid all that if I simply agree with my nearest competitor that he and I should join forces by swapping equity, in a purely continental fashion. If he does not like that idea, I can walk into the open market—we still have a free market in our stock markets, until the Government take it into their head to change that—and take over his business. In that way, I miraculously liberate myself from the need for reference to any regulator regarding questions of agreement.

How does that arise? It arises because, under European legislation—which is not unintelligent in this domain—a presumption was made which, unfortunately, all those learned and clever people who framed this Bill in a United Kingdom context clearly missed. The presumption in European terms is broadly true: if any business object, any industry or firm, that qualifies for attention by the European Commission—DG IV in particular—makes an agreement, because of the structure of the treaties, a consolidation by that party with another party will also come to the Commission's attention as an abuse of dominant position. The structure of the treaty makes it true that only very large firms—firms on almost a world scale—will come to the Commission's attention.

That is not the case in the United Kingdom. On the contrary, there is a vast amount of clear water—most of the financial side of our industrial activity is in that area—between firms that could sign restrictive agreements and firms that have a dominant position according to anyone's definition, whether it is 20 per cent. of the market or otherwise. By aping European provisions without understanding the logic underlying them, the Bill brings into British law a bizarre position of which I do not believe the President of the Board of Trade is aware—if she were, I cannot imagine that she would support it—whereby very large numbers of very small, fiercely competitive British firms will have a strong incentive to link into increasing industrial consolidations and concentrations.

We can be sure of only one thing in those circumstances: the provision will reduce diversity and competition, and will tend to reduce pressure for decreases in price and increases in quality. If that is the intended purpose of the Bill under the banner of harmonising with European legislation, the President of the Board of Trade is much less intelligent than I had imagined. I think the right hon. Lady is wholly unaware of that consequence, because she simply asked officials to draft legislation that is in harmony with European legislation—and this Bill ostensibly is—and she is wholly unaware of what firms actually do because she is unaware of how the market operates. That is very unfortunate.

In the spirit of amity and constructive opposition, I spent some time wondering whether we would be able to cure that extremely large defect in the Bill by introducing amendments in Committee that you and your colleagues in Committee, Mr. Deputy Speaker, would allow as being proper and within the spirit of the legislation. Alas, I do not think that that can be achieved. I hope that the immense ingenuity of my right hon. and hon. Friends will permit such measures to come forward, but I must admit that I am sceptical. I think that the Bill's structure prevents it. It is extremely difficult to see how amendments that are in the spirit of the Bill could conceivably clear the area between small firms and dominant firms in a way that prevents concentrations and consolidations occurring as a means of escaping the Bill's anti-restrictive trade practices aspects.

If that is the case, I fear that we shall pass into law—the Government will undoubtedly use their majority to do it—legislation whose effects it will take decades to remedy. Large swathes of that part of our industry which is most entrepreneurial and generative of growth in this country will consolidate into large, increasingly sleepy giants under the aegis of an apparently pro-competitive piece of legislation.

Mr. Andrew Lansley (South Cambridgeshire): My hon. Friend's comments are remarkable in their clarity and importance. However, perhaps he could assist me with one matter. Beyond a certain point—by reference to market share or some other characteristic—mergers and acquisitions are the subject of an inquiry by the Office of Fair Trading and, if they are held to act against the public interest, might be the subject of a reference. Am I correct in assuming that my hon. Friend is referring to those

immensely important parts of industry that would fall below the market share test or other tests governing mergers?

Mr. Letwin: I am grateful to my hon. Friend for his characteristically acute question. I agree that the brunt of my remarks so far has been directed at the movement between a very small firm and a firm with less than 20 per cent. market share, if the Commission chooses that as the definition of dominance.

However, I think the position is slightly worse than that which I have portrayed. Although I may have missed such provisions, I have a strong sense that, because the Bill is based on EU legislation, it is concerned almost exclusively with restrictive agreements and with the abuse of dominance rather than with dominance per se. If that is so, it may be possible for firms to agglomerate even to the point where—to take a ridiculous example—they are 100 per cent. of a particular sub-sector of a market.

In the past, they would clearly have fallen foul of all sorts of provisions under the Restrictive Trade Practices Act 1976, and the Monopolies and Mergers Commission would have been able to investigate them. However, as long as they tread a thin line between abuse and non-abuse—I refer to the lengthy and wholly useless discussions about unfair pricing, which show clearly how difficult it will be to establish that an abuse has occurred—they may now be able to maintain their existence as a comfortable, sleepy giant. I accept entirely that that is an extreme example.

Mr. Ian Bruce: My hon. Friend paints an alarming picture. Does he realise what happened when France Telecom, which I believe is the third largest telecom company in the world, announced that it would link up with Deutsche Telekom, which is the fourth largest telecom company in the world? The European Commission said that that was good in terms of bringing Europe together and was clearly not anti-competitive. That is the sort of ridiculous ruling that has been made by the European Commission. A few others have been allowed to enter the market, but that group is so big that they do not have a hope.

Mr. Letwin: My hon. Friend is quite right: the emergence of Global One, the grouping to which he refers, and of Unisource, its competitor—perhaps erstwhile—are good examples of the tendency among European regulators, following the structure of the treaties, to concentrate on abuse and not on dominance per se.

That seems to be an extreme argument, and I rest my case with the simple contention that this Bill—if it has a single tendency in the United Kingdom economy—will create consolidation and concentration. That must be the opposite of the Government's intention, and, on those grounds alone, I believe that we should support the Opposition amendment.

7.36 pm

Mr. Michael Wills (North Swindon): I shall be brief, as other hon. Members wish to speak in the debate. At the outset, I should declare an interest on behalf of my wife and me in television production, which was my profession before I entered this place.

I have sat through what is becoming a very lengthy debate and I have heard a great deal of detailed discussion about the Bill—proper and appropriate scrutiny. The debate on the Labour Benches has been constructive, as we recognise the need for legislation. Opposition Members have piled detail upon detail and story upon anecdote—some of which has been entertaining—but I am not sure to what ultimate purpose. Are they trying to improve the legislation while accepting the need for it and its basic principles, or—this seems more likely—are they merely trying to justify maintaining the status quo in the belief that current legislation is as perfect as possible?

So I shall turn away from the detail to the ultimate objectives of the Bill. I shall remind the House of the broad principles that the Bill is designed to enhance and entrench, and explore why it is so important in modernising our economy. If we are to have a dynamic economy which is quick to succeed in the modern world; which produces sustainable growth and the jobs that this country deserves—which the previous Government signally failed to produce—and which is efficient, productive, adaptable, flexible, creative and innovative, effective competition is essential. I hope that the Opposition agree with that, at least.

Without effective competition, businesses become complacent and arrogant—their creative juices dry up, and their entrepreneurial vigour ossifies and dies. Few dispute such general, theoretical arguments in favour of competition. However, when it comes to individual businesses in practice, history tells us that the attractions of anti-competitive behaviour often become overwhelming. Economic power, just as much as political power, constantly shifting and flowing, possesses an inevitable tendency to cluster and grow around those who already have it.

No modern society and no modern economy can afford to allow vested interests to accumulate power against the public interest. In every area where power builds up and clogs the channels of opportunity for individual businesses—just as much as for individual citizens and consumers—we have a duty to act. Companies that abuse a market by means of a dominant market position—and I submit that abuse is the issue here—and businesses that adopt anti-competitive practices barricade the road to a dynamic, efficient economy and thereby harm consumers.

The Bill is a welcome and much-needed reform of competition law. In its adoption of chapters I and II prohibitions; in strengthening the investigative powers of the Office of Fair Trading—we have not heard much about that from the Opposition—in streamlining procedures to prohibit anti-competitive activity; in providing real deterrents to firms tempted to adopt anti-competitive behaviour; and in providing recompense for those damaged by such behaviour, the Bill will modernise our approach to competition and make it effective. Were we to maintain the status quo, as the Opposition seem to want to do, none of those things would result. I welcome the fact that the Bill will bring our competition policy in line with that of Europe.

I welcome also the reassurance given by my right hon. Friend the President of the Board of Trade about predatory pricing. Drawing a line between unacceptable predation and keen competition will often be difficult, but it is essential that we do so. It is encouraging that the proposed legislation will provide for tough and effective measures against predatory pricing and the abuse of a dominant position.

[Mr. Michael Wills]

It is commendable that the Bill possesses potential for further evolution in line with any further European Union legislation and case law. There is a clear need for flexibility and adaptability. If nothing else, rapid technological change means that there must be constant vigilance against new forms of predation, as the debate over Microsoft's position in the United States makes clear.

The Bill is important, and not only for the practical and detailed reforms that it will introduce. It will also come to be seen as important for the new culture that it creates. With the move from a form-based approach to an effects-based approach will come a sharper and more practical focus on competition instead of the cumbersome bureaucracy of existing legislation. Over the years, as regulators and businesses come to terms with the arrangements, the greater concentration of effort on competition should help the Office of Fair Trading acquire new expertise in understanding markets. The Bill should lead to a more sophisticated understanding of how markets work. The Bill should foster a new culture among regulators and businesses alike that will promote the development of genuine and effective competition.

The Bill delivers on the Government's manifesto commitment. It provides robust new powers to promote competition in this country. It is a crucial building block in constructing a modern globally competitive economy, and one that will remain so.

I hope that those who oppose the Bill will keep clearly in their minds what signal their opposition is likely to send. Given that they so signally failed to introduce relevant legislation when they were in a position to do so, despite the fact that there has been a consensus for some time about the need for such legislation, opposition now will send the signal that vested interests will always have friends in the Conservative party—and friends they should have none, anywhere. Vested interests are the enemies of progress, and the Bill will tackle them.

Labour Members know the right way forward and we shall vote accordingly tonight. I hope that the Conservative party will think again about whether it really wants to vote against a Bill that will play such an important part in modernising our economy.

7.43 pm

Mr. Andrew Lansley (South Cambridgeshire): I am grateful for the opportunity to contribute to the Second Reading debate. I am surprised by the closing assertion of the hon. Member for North Swindon (Mr. Wills), because I suspect that the Conservative party, during 18 years in government, did more than any Government in living memory to attack vested interests and promote competition. In debating the Second Reading of a Bill concerned with competition policy, the hon. Gentleman made an astonishing assertion. When he reads *Hansard* tomorrow, he may feel slightly abashed.

There is a need for competition legislation. I suspect that many right hon. and hon. Members on both sides of the House would accept that the right legislation might have a role to play. It was precisely for that reason, for several years before the most recent general election, that Conservative Administrations worked carefully towards the stage at which legislation could be introduced, principally to reform restrictive trade practices and resale prices legislation. I have no quarrel about that.

In general, we must wonder whether we have the right piece of proposed legislation before us. I wish briefly to illustrate how many difficulties there are. Perhaps there are enough so that I might share the view of my hon. Friend the Member for West Dorset (Mr. Letwin) that we are entirely justified in seeking to deny the Bill a Second Reading.

The first problem rests with the overall drafting of the Bill. Precisely for that reason, we arrive at the question whether an article 86 prohibition should be added to the Bill. There have been many difficulties in many places about the definitions of "abuse" and "dominant position". Overall, there is the question whether the drafting of the Bill is good enough.

I refer the House to the survey in the latest edition of *Global Competition Review*. Fifty-eight per cent. of the lawyers and 63 per cent. of the economists who responded to the survey stated that they did not feel satisfied that the Bill in its present form was drafted well enough to achieve sufficient clarity and legal certainty. That underlines the question that has been raised about the effectiveness of the Bill as it is.

I shall not dwell on the question of unfair pricing, but I entirely accept the view of my hon. Friend the Member for West Dorset. I listened with astonishment to some of the exchanges involving Labour Members. No one has the necessary information on which to judge whether there has been unfair pricing in the newspaper market. Even if we apply the Tetra Pak judgment, the question is not confined to the cover price of a newspaper. Account must be taken of the cover price and advertising revenues.

If a newspaper were cutting its cover price, and as a consequence gained market share and advertising revenue that more than covered the loss of revenue through its reduced cover price, that would be a rational market activity, and would not constitute an abuse or necessarily an anti-competitive practice. It would be a pro-competitive practice. However, I do not have the information on which to base that judgment, and neither, I suspect, do Labour Members. It is the Office of Fair Trading that can acquire that necessary information, and it has done so several times. It is to be hoped that it has that information now. It should be for the OFT to judge under present legislation whether it should initiate an investigation.

As for the Opposition amendment, it is right to instance the problem for community pharmacies. The hon. Member for North Swindon talked about effects. If the effect of the implementation of the Bill were to diminish the presence of community pharmacies in rural areas, I know how damaging that would be. Outside the context of competition policy, within the national health service, the value of community pharmacists in providing primary care and health information is important and growing. It has been the objective to have pharmacists providing more primary care information, to free general practitioners so that they might engage more in complex diagnoses rather than the provision of basic public health advice.

If chapter I prohibition is to be enshrined in legislation, there are several requirements. First, there is the block exemption for vertical agreements. It should be recognised that there is considerable potential value in vertical agreements, not least to consumers.

Secondly, we need guidelines on the types of provision and conduct that are likely to be regarded as giving rise to anti-competitive agreements, lest we leave companies completely unclear for a long time about the manner in which legislation will be implemented.

Thirdly, we need de minimis exemptions. I suspect that we are talking of considerably more than the £20 million that applied under restrictive trade practices agreements, and perhaps £50 million or a 5 per cent. market share in the relevant market.

It can be argued that there is difficulty in determining what the chapter II prohibition means. Mr. Derek Ridyard of National Economic Research Associates states:

"Look at Article 86 Case Law in Brussels, lots of people have been found to be abusing their dominant position and fined, but without any real explanation as to what is or is not abuse of dominant position."

Likewise, we should explore the difficulty in the relationship between the prohibition as it affects complex monopolies and the Fair Trading Act 1973, and the interaction between the two. It would be useful if there was a bilateral presumption—one has not so far been offered by the Government—that activity that is regarded as not against the public interest under the Fair Trading Act 1973 should not be prohibited under chapter II prohibitions, and vice versa. We should avoid the double jeopardy of concurrent investigations on those two issues.

It is important to take up a number of wider issues on Second Reading and in Committee, the first of which is compliance. The President of the Board of Trade talked about the 10,000 agreements under the restricted trade practice legislation, but she did not tell us how many thousands of precautionary notifications are likely to be sought by companies to forestall action, especially under the chapter I prohibition.

Secondly, the Government propose to take greatly extended powers of investigation and search-and-entry for the OFT, to the extent that one lawyer has been quoted as saying that they are

"unnecessary, and too much, even if they are used correctly".

That may be counter-productive, because it may convert the OFT into a body that is considered to have a highly aggressive and adversarial relationship with industry, rather than one that genuinely seeks to assist in the creation of free, fair and competitive markets.

Thirdly, I hope that hon. Members, notwithstanding the speech by the hon. Member for Plymouth, Sutton (Mrs. Gilroy), share my concern that the extension of concurrent powers to utility regulators could create problems. There could be competing interpretations of the law, a build-up of competing case law with different precedents, and double jeopardy between regulators and the other competition authorities. It would be preferable for the OFT to remain the competition authority for those sectors, and to act alongside the sector regulators rather than separately.

Will the Bill give rise to a simpler and more predictable competition policy? I suspect not. The President of the Board of Trade has been criticised recently for failing to pursue the predictable competition-based mergers and acquisitions policy that she inherited from her predecessors. I have an interest in that, because I was private secretary to Norman Tebbit when he introduced the Tebbit doctrine.

Predictability is slowly but surely being undermined. The director general and the seven—at least to begin with—utility regulators, the Competition Commission, the Court of Appeal and the European Court of Justice will be involved. My hon. Friend the Member for South Dorset (Mr. Bruce) reminded us that the ECJ would be operating a law that presumes the protection of a single market and a pro-European Union application, not one particular to United Kingdom circumstances. Nevertheless, it is to be introduced to the United Kingdom domestic context. I should be surprised if all that becomes predictable and simple.

I want to be brief, to allow other hon. Members to speak, but I must discuss the system of financial penalties, to which no one has referred. Up to 10 per cent. of United Kingdom turnover is cited. *[Interruption.]* Have I done my right hon. Friend the Member for Wokingham (Mr. Redwood) an injustice? I beg his pardon, because he mentioned it. I was present earlier, but was obviously not paying sufficient attention. If I agree with him, he will forgive me for that.

Up to 10 per cent. of United Kingdom turnover is cited, but clauses 37 and 39 refer to a system in which that high level of penalty may be applied in ways that we know not of, and by reference to guidelines issued by the director general that would be approved by the Secretary of State, but not referred to Parliament. The Bill does not say how the severity of financial penalty would be related to the relative severity of abuse or of contravention of the prohibition. That is a dangerous structure, and one to be deplored.

The President of the Board of Trade lauded her achievement in introducing the Bill so quickly. She might have done better to reflect on why it took the previous Government several years to produce a draft Bill in August 1996, and why it differed from this Bill. The draft Bill did not include the general prohibition paralleling article 86. Even though she claims to have produced clear legislation, she must reflect on why lawyers and economists conclude, on balance, that the Bill will not help in that respect. Several issues are yet to be sorted out.

Those grounds are enough to deny the Bill a Second Reading, and I support my right hon. Friend's amendment. If the Bill is given a Second Reading, I hope that the Minister will have the honesty to admit that there is much more work to be done in Committee.

7.55 pm

Mr. David Borrow (South Ribble): I welcome the Bill, which is a long overdue modernisation of competition policy. It is remarkable that the shadow Secretary of State is happy with the status quo: there is clear evidence that, when in office, the Conservative Government were preparing legislation to be introduced had they won the election, and therefore implicitly accepted that the status quo was not satisfactory and that changes were needed.

Although the official Opposition think that the status quo is satisfactory, representations that I have received suggest that the business community is broadly satisfied with the new framework laid down by the Bill.

[Mr. David Borrow]

The involvement of European legislation and European law in United Kingdom competition policy is especially welcomed by much of British industry as simplifying the approach to competition through common rules in Europe as within the United Kingdom.

The Bill puts teeth in competition policy by creating real investigative powers, and powers to intervene when there is evidence of improper competition. As my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) so clearly showed, the problems of bus privatisation and obvious examples of unfair competition, with which existing legislation fails to deal, would be dealt with by the Bill. It will also bring into force powers for fining those engaged in unfair competition, so companies that can show that they have suffered as a result of unfair competition have redress, which, under existing legislation, they do not.

The Bill's approach is to be welcomed for those reasons. We often consider competition law in terms of whether it benefits the consumer, but it must also benefit players in the market if we are to have proper competition. Small companies are often hurt by existing legislation: they are put in adverse situations by large companies because they are unable to achieve fairness under existing competition rules.

We must, however, examine in detail certain areas within the broad framework. I have received representations on the impact of European legislation and case law and British legislation and regulations, and the extent to which we are in danger of operating under two competing legal systems. There is genuine concern about that issue. Much of the business community is genuinely worried about the extent to which there can be quick redress, and whether redress under the new regulations will be expensive. Those matters must be dealt with in detail in Committee.

I wish to deal with three specific areas of concern. First, I have received representations from the music industry, which is subject to the copyright tribunal under domestic legislation, and is worried about the Bill's impact in terms of a double jeopardy. Other industries are in a similar position.

Secondly, I wish to discuss retail price maintenance for over-the-counter medicines. About a third of my constituency is rural, and rural communities are worried about the survival of a good network of community pharmacies.

I accept the argument that competition law should consider whether the restrictive practices court will find, as it did in 1970, that the existing system should continue, and that the retail price maintenance in that sector is justified because it maintains a network of community pharmacies. However, should the court find that it is not justified, the Government still have a responsibility to ensure that a network of community pharmacies continues to exist.

The £4 million that is given to maintain essential community pharmacies is but a small part of what might be needed if retail price maintenance in that sector were removed. Taxpayers' money should not be used to subsidise large and successful businesses, and consumers should not pay over the odds, but a good network of community pharmacies in rural areas, and in deprived urban areas without ready access to town centres, should be maintained. Although it is not the DTI's responsibility, I hope that the issue will be addressed in due course.

Thirdly, I recognise that the Bill strengthens the position on predatory pricing beyond the status quo, which the official Opposition find satisfactory. It does so by introducing into British law the findings of the Tetra Pak European Court decision in 1994, which laid down that, if the average variable cost of a product is above the price charged, that clearly shows that there is predatory pricing. Many people are worried that the Bill will not do what was originally promised.

One argument that has not been tackled this evening is that competition policy should take a common approach across all industries. If we accept that argument, clause 19 should not have been included in the Bill. If we want to take measures to ensure that we have a diverse and free press, it should be done not through competition policy but through some other legislation.

That issue needs to be debated. I remain to be convinced that the Bill will strengthen competition in all sectors and tackle predatory pricing. If people think that that is the only issue concerning the media in general and the newspaper medium in particular, they are living in a fool's paradise. It is not the main thrust of our concern about how the media are managed, owned and operated in the UK.

I assume that the Bill will receive a Second Reading. Many issues need to be tackled and debated in Committee, and I hope that the Government will take on board some of the comments that I have made.

8.4 pm

Mr. Colin Breed (South-East Cornwall): I am happy broadly to welcome the Bill, which has been a long time arriving in this place. Some of us have been a long time waiting to make a brief speech about it.

There can be no reason to legislate on competition, other than to deal with the balance between competing businesses and the impact on public interest. It is therefore essential that the notion of "public interest" is properly defined and understood. The public interest test, which should be the most important factor in determining the value, or even the relevance, of the Bill, applies to every sector that has been mentioned this evening.

The previous Government believed that the market would always sort out the proper relationship between businesses, that, through that mechanism, consumers would ultimately benefit through price reductions, improved services and even product innovation, and that a strong and vibrant economy would be built up as a consequence. In theory, that is perfectly possible. It was applied to the then publicly owned monopoly utilities, which resulted in the exercise that we all came to know as privatisation.

The theory ran that, if competition was introduced into those trading organisations, they would begin to function more efficiently, and would become much more responsive to their customers. It was rightly recognised that just floating the businesses into the private sector would not automatically introduce competition, but that consumers—and therefore the public interest—needed to be protected, and that it would also promote competition within the industry.

I do not have time today to consider in depth the rights or wrongs of privatisation, or whether it succeeded or failed, but there have clearly been great benefits and some disbenefits as those regimes have matured in today's market. Privatisation has provided us with an opportunity to examine in hindsight what we understand to be the public interest. This Bill—and, I suspect, future legislation—can be made more responsive to consumers' needs in both the short and medium term. Trying to predict the long term is impossible.

It should therefore be expected that competition policy will have to be reviewed from time to time in the light of fast-moving events. Clearly, the narrow interpretation of public interest as relating only to the short-term price of goods and services, without considering the wider implications of competition and monopoly, is insufficient.

In the absence of a proper definition, may I suggest a few essential elements that must be part of the public interest test, and thus part of how we review this extensive Bill? Those are efficiency and equity; and consistency and certainty. A more realistic view of legitimate public interest can therefore be established, and, most importantly, business can function in a secure and predictable environment.

The public need to be protected in matters of health and safety, for which it is far easier to legislate, but it is much more difficult to legislate for the wider collective public interest, with which the Bill seeks to deal. It includes the need to counteract anti-competitive behaviour by businesses, and to ensure that all customers and consumers can freely negotiate fair terms with businesses that have or may have a dominant position in the marketplace.

Just as the appointed regulators have a special role in maintaining a balance between certain businesses and consumers, so the Government, through competition policy, must hold in tension the legitimate commercial aspirations of business and the wider public interest. As the Bill sets out new rules for the regulators in the light of experience since privatisation, it must also address other competition issues in the light of current practice and experience.

Competition regulation should not merely be about restrictions, but must actively and positively promote effective competition. It should encourage greater efficiency while protecting diversity. It should ensure equity between customers and business, so that the product of efficiency gains is shared fairly between shareholders and consumers. It should promote the use of new technologies, enable new investment to be made and new products and services to be introduced, to the benefit of both big business and the consumer. It should also enable new competitors to enter the market by ensuring that entry barriers are not erected by established businesses to prevent new competition.

The Bill seeks to replace a considerable amount of current legislation, which I believe has served the public interest reasonably well. Although it is necessary to update existing law, it is vital that we do not abandon the aspects of fair trading and competition that still have a role to play, merely to make the legislation less complicated or to introduce new deregulation for its own sake.

Some anti-competitive practices have already been highlighted in the debate, and no doubt they will be the subject of considerable discussion in Committee. I place on record my concern that, unless the Bill is more specific about particular industries and services—we realise that some of them are unique in their influence or position in the United Kingdom market—this extensive and comprehensive legislation will be rendered ineffective when tested in the courts, as it surely will be at some time.

It is impossible to provide a strong and coherent competition framework through a series of general clauses that try to cover every possible commercial activity. Nor would it be sensible to rely solely on the fact that the Bill falls into line with existing European law, most of which is inappropriate and untested in the British courts. The commercial marketplace in this country has developed and progressed along totally different lines from most of Europe, and has been subject to different regulation. In some ways, we are far ahead of Europe; in others, some way behind. Some aspects of our social and community life can be regulated only by discreet and individual attention.

Our national newspaper industry is unique. It provides us with benefits, but also causes some disquiet. To say that it can be controlled through European legislation alone is naive. Similarly, the growth of food retailing in this country has been an almost overnight revolution. It has developed in a completely different way from European markets, although some, notably in France, are experiencing similar and familiar problems.

I have no doubt that supermarkets have brought consumers many benefits, with lower prices, greater choice and convenience. Only now are we beginning to experience some of the problems. The dominance of a few large supermarket chains is beginning to have an enormous effect on our communities. That is a good example of the way in which our understanding of public interest has changed. Other considerations must be taken into account when determining what public interest means.

Lower prices through competition are to be encouraged, but not at all costs. That applies to all competitive markets. A narrowly defined public interest that uses the simple test of low prices as the only measure of whether the public have benefited, especially in the medium term, is unlikely to satisfy the aims of the Bill.

If the Bill is to achieve its purpose, to ensure that the public interest is protected and enhanced, it will require a degree of bravery and honesty that the Government have not so far shown. They will have to oppose highly skilled, extremely well-funded, and profoundly influential vested interests. They will have to face up to those vested interests on behalf of the whole country. That will almost certainly bring them into conflict with some major commercial concerns, and that may be very uncomfortable.

The Prime Minister is fond of saying that tough decisions must be made—lone parents know that only too well. The time has come for even tougher decisions to be made in the national interest, and I hope that the Government will not fail the test.

8.15 pm

Dr. Phyllis Starkey (Milton Keynes, South-West): Like my hon. Friend the Member for North Swindon (Mr. Wills), I am unsure of the argument that the Opposition have been trying to make, although I have been listening carefully. Unlike him, however, I did not find many of the anecdotes amusing, mainly because they were rather laddish. That is a common failing of Conservative Members.

[Dr. Phyllis Starkey]

The Bill is eminently sensible. During the debate, the Opposition have been busy manufacturing ever more improbable scenarios to try to show that the Bill poses a great threat to British industry. However, the absence of that threat is shown by the fact that the representative of the Confederation of British Industry who is supposed to be advising them on the Bill has deemed the threat to be so tiny that he is not bothering to be around today: he is on a course and is obviously using his time more effectively.

Mr. Boswell: The hon. Lady's anecdote about the CBI is interesting, but does she concede that, before disappearing on that course, about which I know nothing, the CBI adviser submitted seven major points of concern that remain outstanding, despite the consultations that the CBI had with the Government on the Bill?

Dr. Starkey: The CBI provided all hon. Members with a brief. The CBI broadly welcomed the Bill, although it made one or two minor points. That hardly shows that it believes the Bill to be the enormous threat that the Conservative party is making it out to be.

I shall keep my remarks brief. I merely want to emphasise the positive measures to provide effective competition legislation, and the importance of such legislation for small and medium businesses. Those hon. Members who know my constituency will not be surprised to hear that I am interested in such businesses. Milton Keynes contains a small number of large employers, including foreign multinationals that are active in the town, but the strength of the local economy is the hundreds of small and medium enterprises that have between one and 50 employees.

I have not visited all the companies in my constituency, but I intend to do so. I have been struck by their ingenuity in exploiting many different markets and in developing new markets. A high proportion, including some of the very small companies, are exporters and export all or most of their products, often into Europe but also to the rest of the world. Those companies, which are incredibly important to the local economy, have two major concerns which will be addressed by the Bill.

Those businesses, by their very nature, are highly competitive. They are entirely satisfied if they are competing on a level playing field, but they deeply resent larger companies in particular using uncompetitive practices to reduce the advantages of small companies.

I welcome the proposal in the Bill to enable the Director General of Fair Trading to stop restrictive practices straight away, instead of waiting as long as nine years—as the President of the Board of Trade stressed in her opening remarks—before making a decision, as happened under the previous Administration. Nine years is several lifetimes for small firms. In that time, such firms attempting to compete in a climate of unfair practices would go out of business.

It is important for small and medium firms to have effective sanctions that can be implemented immediately to stop such practices, and firms that are damaged by them should be able to obtain recompense. Those matters have not been given the prominence that they deserve, because the Opposition have focused mainly on the bits of the Bill that they do not like.

Large and small businesses in Milton Keynes will welcome the simplification of bureaucracy, especially the move towards making UK legislation more consistent with that in Europe. As I have said, many firms in my constituency trade extensively within the European Union, and it is incredibly irritating for them to operate one set of rules and regulations in the UK and a completely different set in the rest of the EU. I am sure that they will welcome the move towards making the rules more consistent.

The previous Government engaged in extensive consultation on competition legislation. The Labour Government have also consulted, but the difference between us and the Conservatives seems to be that, having consulted, the previous Government decided to do nothing, whereas we have decided that it is best to produce legislation that will, for the most part, be widely welcomed by all sectors of business.

8.21 pm

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): I shall try to be brief, as many hon. Members wish to speak.

I suspect that many hon. Members were dismayed by the Bill's size and complexity. In the mid-1960s, one lecture in an applied economics course sufficed to cover the Restrictive Trade Practices Act 1956, a measure that has long since gone the way of all flesh. The increasing complexity of legislation is shown by the fact that about a third of the Bill repeals or amends earlier legislation. Early legislation had little such repeal or amendment. It is incumbent on us as legislators to make sure that we fully understand the consequences of the Bill.

I shall deal briefly with some selective concerns. I think that the hon. Member for Eastleigh (Mr. Chidgey) mentioned the professions, but apart from that they have not been dealt with in detail. In a debate in the other House, George Bernard Shaw was quoted:

"All professions are conspiracies against the laity."

I do not go quite that far, but we must recognise that not all professional rules are introduced for the benefit of the public; some of them are for the benefit of the profession.

Paragraph 5 of schedule 4 places a duty on the Director General of Fair Trading to keep a list of the rules and to keep it under review. I remain to be convinced about the effectiveness of that procedure. Schedule 4 should contain more about the frequency of the reviews and about the criteria that will be employed in them.

We need more explanation about the professions that are included in schedule 4 and about those that have been omitted. The National Consumer Council asks why solicitors are included while estate agents are not, although there is a considerable overlap, certainly in terms of the contact that people in those professions have with the public. The Law Society of Scotland asks why notaries public are excluded from the list. They perform important functions in Scotland.

The subject of community pharmacies has been much canvassed and is potentially serious. I do not agree with the Opposition, whose reasoned amendment suggests that they wish to reject the entire Bill simply because it is deficient on the matter of community pharmacies. Of course, when the Government have a majority of 179, the Opposition have the luxury of being able to say what they

want in an amendment because they know that it will not be accepted. As the hon. Member for South Ribble (Mr. Borrow) said, community pharmacies fulfil a real need not only in rural areas but in many urban areas. Services that are not always available from hard-pressed general practitioners, who are inevitably less skilled in such areas, may be obtained from pharmacists. In many areas, the people who are least able to get to a supermarket or to another pharmacy will benefit from local advice. At the most recent meeting of the Scottish Grand Committee, we heard about pharmacies that are closing, so that problem is with us here and now.

I accept that it could be said that all pharmacies depend solely on profits from the sale of over-the-counter medicines. They are not, but there is no doubt that some large, profitable pharmacies do very nicely, thank you very much, from the vastly inflated prices of over-the-counter medicines. Equally, many small pharmacies in rural areas and in some urban areas are on the margin and inflated profit on such medicines makes the difference between viability and failure. It is valid to argue that artificially keeping up the price of goods is the wrong way to ensure the delivery of a social service.

The new Government are falling over themselves to keep to Tory spending limits, and they are totally obsessed with the public sector borrowing requirement. Will the Department of Health find the extra money to keep pharmacies going? Some money goes to the essential pharmacies scheme, but I do not think that the Government will find the extra money that is necessary to replace profit support. Perhaps a small anomaly in competition policy would be a small price to pay to keep valuable social services going. It will be too late to fix the problem when the pharmacies close, because they will not reopen.

Many of us have been lobbied about a matter that I do not think has been mentioned. It certainly came up in debates in the other place on the Bill. It is the issue of look-alike products. Some manufacturers imitate the packaging of a brand leader so that people buy the wrong product. The Government have said that they do not think that that is an apt subject for the Bill and that there are other ways to deal with it. Have they had further thoughts on the matter? It is clear that the industry does not agree with the Government that the existing legal system is satisfactory, despite the judgment in the Penguin *v.* Puffin case of look-alike biscuits. Many jobs and much investment are tied up in existing brands, and, just as it is wrong for the manufacturers of branded goods to keep prices artificially high through vertical agreements, it must also be wrong for such firms to be undermined by competitors that are almost counterfeiters.

The Competition Commission will replace the Monopolies and Mergers Commission. The MMC holds hearings in Scotland to take evidence. Will the Minister confirm that the new commission will be enabled to do that?

On the issue of newspapers and predatory pricing, we heard much about the philanthropy of Mr. Rupert Murdoch in lowering the price of his newspapers. I am sure that that is his main motivation, as the right hon. Member for Kensington and Chelsea (Mr. Clark) implied. We have a slightly different situation in Scotland, because another couple of broadsheets there, *The Herald* and *The Scotsman*, have largely been able to keep *The Times* at bay, but it is a difficult matter. We all recognise that many of these publications operate fairly much at the margins and that the profits to be made are not large, so anything that puts their existence in potential peril is a likely problem.

The President of the Board of Trade said that the Bill strengthened competition law, and argued with some justification—we have heard contributions to this effect—that the amendment to clause 19 which was added in the other place was badly worded and would prohibit behaviour that was simply part of normal competition. However, if that is true, she has to say—because there is a problem here, which has been graphically described by Labour Members—whether the Bill is strong enough to stop predatory pricing and the other tactics of Mr. Rupert Murdoch. I do not think that that case has yet been made. The Government will have to make that case strongly before hon. Members who feel as I do vote to delete the amendment.

8.30 pm

Dr. Ashok Kumar (Middlesbrough, South and Cleveland, East): Thank you, Mr. Deputy Speaker, for calling me on Second Reading.

I am fully committed to the general principles of the Bill and will vote for it tonight. However, I want to make some general comments and then dwell on two aspects of the Bill that cause me particular concern. The first is the vexed issue of neighbourhood community pharmacies, which have been mentioned by the hon. Member for Galloway and Upper Nithsdale (Mr. Morgan), and the possibility of the end of resale price maintenance on over-the-counter medicine. The second is part II of schedule 4, which attempts to define engineering disciplines, which have been mentioned by the hon. Member for Eastleigh (Mr. Chidgey), the Liberal Democrat spokesman. It is at best confused, and it certainly needs reviewing.

It is noteworthy that, despite the fact that the last Tory Government spent much time circulating discussion documents on competition issues, in the time they were in power they made no attempt either fully to draft or to enact any legislation to control abuses of market power, cartelisation or monopoly. It is this Labour Government who are doing that and who are standing up for the consumer. For that, they will, in general, be warmly thanked by both consumers and industry.

That is not to say that there are no contentious issues. In a complex society and diverse marketplace as ours, there are bound to be anomalies. It is on two anomalies that I want to dwell. These issues are not trivial, but important in themselves. They are not aimed at undermining the Bill's central thrust, but they need serious, diligent and robust examination in Committee.

There is no doubt that community pharmacies are a contentious issue for many people, not least small pharmacists and the people who depend on them. My constituency is largely rural, with a hinterland of small ex-mining villages and market towns. Unemployment is high, and there are many villages where many people are not wealthy and where car ownership is very low. In some villages, about 45 per cent. of people—no more than that—own cars.

Those villages are located a long way from the main shopping centres. Public transport access to the main towns of Middlesbrough and Redcar can often involve a

[Dr. Ashok Kumar]

long bus journey of up to an hour. If local pharmacy services did not exist, a constituent—say, a mother with a child—might have to fork out more than £4 just to get some simple medicine. Luckily, because of the work of successive local health authorities and trusts, aided, I must say, by the local council, almost all those villages have a functioning general practitioner surgery service.

Those surgeries and clinics are linked to a number of small local pharmacies. All those without exception are fearful of the impact that ending RPM on over-the-counter medicines would have on their shops, on their future and, perhaps more important, on their service to the community. They are concerned that, without RPM, they could lose that vital margin that supports the drug and medicine prescription service to their customers.

Mr. Letwin: Will the hon. Gentleman give way?

Dr. Kumar: No. I have a short time, and I know that other hon. Members want to speak.

The people who will really suffer will be those who most need the services of local chemists: the elderly, mothers with young children, disabled people and carers. By definition, those people are among the least mobile in our community.

This is not only a local, but a national problem. The community pharmacy action group estimates that, nationally, 3,000 local chemists would have their economic future put in jeopardy. That prediction is based on the conservative estimate that, without some form of RPM, 20 per cent. of customers with access to personal mobility would switch from using their neighbourhood chemist to supermarket chains. That conservative figure is shadowed by what I call a "worst case" scenario, based on an Office of Fair Trading poll, which showed that some 36 per cent. of people are prepared to make the switch to the supermarkets.

Local pharmacists make a real difference to the work of local GPs and community nurses. They do not act just to make up medicines and sell proprietary drugs. They assist local people with expert help and expert knowledge and give free advice on common health problems. They lighten the burden on already overworked GPs, GP nurses and receptionists. They act as a vital part of the community health network.

Again, the community pharmacy action group estimates that, if just one tenth of people who treat themselves with medicines that are bought on advice from their local neighbourhood chemists, were instead to go to their GP, an additional bill of some £4.7 billion would fall on the national health service—and that in the crucial sector of local primary health care.

Those are real fears. I recently spoke to one small pharmacist in Loftus in my constituency about the matter. He said:

"Over 75 per cent. of my turnover is accounted for by NHS work.

The profit margins for this work are constantly being narrowed as remuneration packages from the NHS Executive become tighter.

I am kept afloat by RPM on over the counter medicines, and if that goes then the floodgates will open.

The concentration of initial sales in the hands of big supermarkets will mean the loss of vital local knowledge, and the loss of personal relationships with people who have come to depend on me.

I am also fearful that involvement by the supermarkets could well be aped by smaller discount shopping chains and by newsagents.

This is something that could well mean the promotion and sale of a cocktail of drugs to local people and the involvement of totally inexperienced people in the sale of medicines and the giving of advice."

Those are not mere abstractions conjured out of the air by pressure groups, but the views of men and women who are involved in delivering a community service, as well as running a business—people who both employ staff and have the confidence of local people. We cannot afford to lose that.

The Labour Government are tackling the inherited problems in the NHS that were left to us by the previous Government. The announcements over the past few months, weeks and, indeed, days by my right hon. Friend the Secretary of State for Health have meant a lot for the NHS, for the country's good health and for my constituency in particular. There is no logical reason why those gains for the NHS should be negated by the effects on community pharmacists, such as those I quoted, of ending RPM.

It is for that reason alone that I urge the Government to think carefully. They should think carefully about the real strength of feeling that was demonstrated by the success of the amendments sponsored and supported by peers of all parties and by Cross Benchers in the other place.

I totally agree that we should aim for a society where competition is on a level playing field. However, that famous playing field must represent the genuine interests of local people and local communities. In this case, I believe that most people would back the little man or woman and the needs of local communities above the need to conform to rules that merely benefit the multiple trader and the out-of-town hypermarkets—rules that benefit the big boys and disadvantage local communities.

I want now to deal with another issue, relating to schedule 4, which gives a definition of trades and professions. In particular, I am concerned with the paragraph headed "Engineering", which, as currently drafted, is a dog's dinner. Originally, I thought that I wanted to speak as someone trained as a chemical engineer. That is an important profession serving, disproportionately, successful elements of British industry and technology—elements vital to our economic future. Chemical engineers are the backbone of the chemical, oil, gas and pharmaceutical industries. They also contribute to a successful food industry and help to sustain Britain's process engineering capability. That area of professional engineering is left out of the schedule.

I had intended to protest about that, but, as I looked through the schedule, I felt more and more that what was needed was not something that might be seen as professional pique; other areas of engineering competence have also been overlooked. Hon. Members who might come from other occupational or professional sectors have as much right as I have to ask for the inclusion of their professions.

What is needed is a root-and-branch revision of this part of the Bill. I do not think it appropriate to include activities such as forestry, livestock rearing or agronomy under the heading "Engineering". That is absurd. I do not deny that they are important occupations, with their own forms of accreditation, but they are not engineering functions—although they certainly rely on engineers to carry them out.

The sensible approach would be to reorder and revise the schedule to make membership of or accreditation to a professional body the qualifying factor. In engineering, 16 distinct bodies are recognised by the charter as representing areas of expertise. A corporate member of one of those institutions can be recognised as fully qualified to practise that profession. He can be viewed as someone working within the discipline of his professional body in terms of competence and knowledge. The law and, indeed, society recognise the standing of the professional engineering institutions. They hold royal charters and often have up to 150 years of experience in upholding professional standards. I suggest that they be viewed as the appropriate qualifying bodies for the purposes of the schedule.

That leaves those occupations and professions mentioned in the schedule that are not engineering-related. Those, such as metallurgy, biochemistry and physics can have wide boundaries, but they should be treated similarly, so that someone's membership of a suitable qualifying professional body becomes the mark of accreditation.

I will not go into detail now, but under the catch-all heading of ecology, membership of the Royal Town Planning Institute or the Institute of Wastes Management could be relevant. Other academic qualifications cover people offering services as diverse as livestock rearing, agronomy, mineralogy and geology, which I am sure will provide a suitable benchmark for recognising competence.

When the Bill goes into Committee, those elements should be examined closely. An accurate schedule will prevent heartache later. It will help to prevent charlatans and unqualified people from gulling consumers and small businesses. It will give confidence to those who need professional expertise and guidance so that they can be sure of the qualifications of those whom they might employ or engage. If things go wrong, it will give them the knowledge and comfort that they can seek redress not just through the law, but by bringing an incompetent or fraudulent person to account through action by his professional body.

I hope that my points about the need to keep a flourishing community sector and the need for clarity in defining professional status are borne in mind by my hon. Friend the Minister.

8.44 pm

Mr. Peter Brooke (Cities of London and Westminster): I congratulate the hon. Member for Middlesbrough, South and Cleveland, East (Dr. Kumar) on an eloquent speech outlining the interests both of his constituents and of his profession. For 18 years before entering this House and joining the Government, I was involved in a small company that employed 10 people when I joined it and 200 when I left. It was the sort of business that the hon. Member for Milton Keynes, South-West (Dr. Starkey) looks at when she goes round her constituency.

My speech today is a bare-faced bid to serve on the Committee. I make it with no great optimism, as my last two such bids, since I served on the 1996 Housing Bill, have failed. In the last Parliament, my offer to serve on the Crime (Sentences) Bill was rejected by my Whips Office—I suspect on the ground that my voting pattern would not have been wholly reliable. In this Parliament, my offer to serve on the Wild Mammals (Hunting with Dogs) Bill was rejected, presumably on the grounds that my constituency is used more for country sports rallies than for country sports themselves.

On the basis of the Bill's progress in the other place, where there were only three Divisions in more than four months of debate, the Bill is clearly not wholly controversial. In passing, I have to say that I am not surprised that the Government periodically lose votes in the other place, as I note that on the two substantive Divisions, more than 70 of their Lordships voted in one or other of the Divisions, but not in both. If the Government cannot get their troops into the Lobby, they are likely to lose Divisions. The Bill began in the other place on 30 October and did not leave it until 5 March, since when another two months have elapsed. That suggests that it is one of those Bills about which Mr. Sherlock Holmes might have said, "These are deep waters Watson." Either that or the Government are having some difficulty with their legislation.

Lord Simon of Highbury alluded on Second Reading on 30 October to the fact that some competition inquiries had taken as long as nine years. Those longueurs seem to have infected the Bill. The scale of support on the Labour Benches for the President of the Board of Trade when she opened the debate suggests that the Government are at least marching towards the sound of gunfire—but I hope that the Treasury Bench will forgive me if I say that the Government have not been marching very fast. Perhaps competition is not as clarion a call for the Government as they would wish us to believe.

I served on the Committee stage of the 1978 Companies Bill, the last such Bill brought in by Labour before 1997. Both the Ministers who led the Committee are still in the House—the current Minister for the Environment, the right hon. Member for Oldham, West and Royton (Mr. Meacher), and the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan), in his prior party guise. There were moments when their utterances served as a harbinger of the comments of my hon. Friend the Member for West Dorset (Mr. Letwin) about the Bill. On our side we were, apart from myself, a distinguished octet. Five of my then colleagues, now serve as Privy Councillors in another place, all having served in government. Only my right hon. Friend the Member for South Norfolk (Mr. MacGregor) sits in this House. Sadly, and finally, that notable and idiosyncratic Back Bencher, the late Sir Brandon Rhys Williams, died a decade ago.

The relevance of that Committee stage was that it sat 24 times for two and a half hours each without ever sitting other than in the morning. It could not be said of the Government Whip that he drove us, as Raymond Asquith said of a chauffeur in the early days of motoring, with the passion of Shelley and the precision of Pope—although I was happy to be reminded through the bizarre suggestion of my hon. Friend the Member for North Swindon (Mr. Wills), who I regret has left the Chamber, that the last Government had not injected dynamism into the economy, of the great late Ian Mikardo's comment on that Committee about the woman who said to the Duke of Wellington, "Mr. Smith I presume," to which he responded, "Madam, if you will believe that, you will believe anything."

My other aspect of continuity is that more than 40 years ago, in the first year of a postgraduate degree at the Harvard business school, I became saturated in American

[Mr. Peter Brooke]

anti-trust law in a course known by the unlyrical acronym of BRAS—which stood for business responsibilities in American society. Even earlier, I had met Lord Borrie, who was a distinguished treasurer of the National Union of Students when I was an improbable member of the NUS executive.

This bid to serve on the Bill's Committee stage is effectively a non-speech, but even a non-speech must have structure, and mine has 11 points—reflecting the tendency to see all life through a filter of cricket—although the House will be glad to hear that I have already made the first seven.

When I spoke on the Finance (No. 2) Bill's Second Reading, I essentially addressed Committee points, although I was not seeking to serve on that Bill's Committee stage. However, I do have a constituency interest in this Bill, which will give rise to genuine constituency points. I have a constituency interest in the Bill not only because I have a business constituency—with as many businesses as households in the W1 postal district, and 50 times as many employees as electors in the City of London—but also because of those who have written to hon. Members about the Bill, to whom other hon. Members have alluded in this debate.

British Music Rights, to which the hon. Member for South Ribble (Mr. Borrow) referred; the British Brands Group, to which the hon. Member for Galloway and Upper Nithsdale (Mr. Morgan) referred; the Community Pharmacy Action Group, to which almost everyone has referred; and the Association of Solicitor Notaries in Greater London are all my constituents, as are the Worshipful Company of Scriveners, about whom the solicitor notaries wrote. Although the Confederation of British Industry is not my constituent, it is right on the border.

What the Bill patently needs is highly detailed scrutiny, on the same scale as it received in another place. Although I share with my hon. Friend the Member for West Dorset a concern about how amenable the Bill will be to improvement, given the form that the Government have conferred on it, our job—the Committee's job, if we are privileged to serve on it—is to make it work better than it currently promises to do.

There is nothing in this speech for the Minister to reply to, not least as my coming on the Committee will not be for him. For myself, I have never served as a Department of Trade and Industry Minister, which in some ways seems the most persuasive credential to put forward in offering myself for the Committee.

8.51 pm

Dr. Stephen Ladyman (South Thanet): I, too, shall try to keep my comments brief—largely because many of the points that I had planned to make have already been made, but also because I think that the need for the Bill is self-evident. Our economy operates in a single market. It therefore seems clear that that market should operate within the framework of a single competition strategy—which is essentially what the Bill is intended to provide by bringing us into line with the European Union.

The Bill would introduce other major improvements to United Kingdom competition law—not the least of which is that it would give officers powers to act immediately when they perceive some irregularity, rather than obliging them to wait for the conclusion of a lengthy investigation. As right hon. and hon. Members have already said, such delay has often led to businesses going bankrupt before they can be helped by regulation.

The Bill would also improve powers to enforce regulations.

The Bill's main improvement on current competition legislation—about which the right hon. Member for Kensington and Chelsea (Mr. Clark) seemed to be somewhat confused—is to replace the need to prove intention with a simple mechanistic process in determining issues such as predatory pricing.

The hon. Member for West Dorset (Mr. Letwin) asked a question on the simple mechanistic process. To answer his question, I simply quote the European Court of Justice's Tetra Pak judgment—which is specifically dealt with in clause 60 and must be considered by both the commissioner and the courts in determining the operation of predatory pricing:

"Where an undertaking fixes its prices at a level below average variable cost, it is to be conclusively presumed that the undertaking's purpose was to harm its competitors."

How can one argue that that is not a mechanistic means of determining the existence of predatory pricing?

Mr. Letwin: I repeat the question: if the European Court of Justice intended—or if the Bill will have the effect of making British courts conclude—that any action in which a firm charges below average variable costs is, ipso facto, unfair pricing rather than pricing that is trying to harm a competitor, will not vast swathes of British industry find themselves, in current conditions, in default of the Bill?

Dr. Ladyman: I do not accept that argument. The judgment—to complete the argument that I was trying to make when the hon. Gentleman intervened—uses the words "conclusively presumed". There is therefore no question of "on the one hand" and "on the other hand" in the matter. Predatory pricing will be conclusively presumed if the test is met.

A second passage in the judgment dealt with a second part of the test in determining predatory pricing. The court stated:

"Where an undertaking fixes its prices at a level above average variable cost but below average total cost, its conduct is to be regarded as predatory only where there is independent evidence"

of intention.

I therefore believe that the Bill's other clauses, and the Tetra Pak judgment, will offer adequate protection—which we will undoubtedly scrutinise during the Bill's Committee stage. Nevertheless, I believe that the Bill—by removing the need to prove intent and adopting a mechanistic approach—will considerably strengthen United Kingdom competition law.

Opposition Members cannot have it both ways. The right hon. Member for Kensington and Chelsea seemed to be arguing in favour of a mechanistic approach. If other Opposition Members want to argue in favour of the opposite approach, they will have to resolve that personal argument among themselves.

I believe that the Bill's mechanistic approach will also deal with the issue of predatory pricing among newspapers, thereby making clause 19 unnecessary.

I agree strongly that—as a Government and as a Parliament—we have to examine the framework within which the United Kingdom media operate. I should be very interested to scrutinise a media Bill dealing with the structure of newspapers and other media. There is great demand for such a Bill, but we will not build an appropriate regulatory framework for the media in a Competition Bill, and it is wrong to expect this Bill to sort out all the problems that we think there might be in the newspaper and broadcasting industries.

Clause 19 not only tries to provide something that the Bill already provides: it would also introduce various dangers—two of which I have already dealt with in interventions earlier in the debate and will not repeat. However, one other possible danger lies in clause 19(2)(b), which states:

"other action which may reduce the diversity and independence of the national newspaper press".

That provision might be interpreted as meaning that newspaper bingo, for example, constitutes unfair competition. Newspapers might be taken to task over bingo. You may argue that a law that makes newspaper bingo illegal is inherently a good thing, and I might even agree with you, but I would not agree on the basis of competition law.

Mr. Deputy Speaker (Mr. Michael Lord): Order. The occupant of the Chair has no view about newspaper bingo. The hon. Gentleman is using the wrong parliamentary language.

Dr. Ladyman: I am grateful, Mr. Deputy Speaker, and I apologise.

Clause 19(3) defines "dominant position" only as a company that holds a dominant position

"in the national newspaper market".

The subsection would introduce another restriction, as we may want to examine a company's dominant position in the media industry as a whole, including its ownership of other types of media. Clause 19 is not only unnecessary but introduces dangers, and it needs to be removed.

Like others, I am greatly concerned about community pharmacies. I stress that we are talking about community pharmacies, not rural pharmacies; some hon. Members seem to use the terms as though they are synonymous, but we should not lose sight of the fact that many pharmacies in urban areas also need support. Retail price maintenance is not necessarily the best way in which to help them. The Department of Health has a big task ahead in reviewing the way in which we support pharmacies in locations that may not be commercially viable.

My right hon. Friend the President of the Board of Trade said that it is estimated that retail price maintenance costs the consumer an extra £900 million. Only a small part of that sum goes to community pharmacies; the bulk still goes to the main hypermarkets and supermarkets. I note in passing that, according to the Library research paper, the Asda supermarket chain made two attempts to break the retail price maintenance agreement and was stopped only by injunctions, so I wonder whether Conservative Members will be entirely unanimous on the amendment tonight.

Mr. Roger Gale (North Thanet): I do not think that Pfizer in Sandwich, which employs a lot of the hon. Gentleman's constituents and a lot of mine, would be too pleased at the abolition of retail price maintenance. That aside, what will the Bill, which the President of the Board of Trade said was in the interests of consumers, do to protect the small chemists of Thanet?

Dr. Ladyman: Pfizer, which is my former employer, will not be hurt in any way by the reduction of retail price maintenance, because it will continue to sell through other chains. I agree entirely that the Bill does not introduce the support that is necessary for community pharmacies. My argument is that the Government must give an undertaking that the Department of Health will examine the way in which pharmacies are to be remunerated, then retail price maintenance can go and the consumer will benefit.

As I understand it, the commissioner will be able to recover fines imposed through the legislation as civil debt. Perhaps my hon. Friend the Minister will comment on that. That may be an important improvement because, whereas civil debts imposed through a court can be enforced across European boundaries, criminal debts, such as fines on companies, cannot. In my constituency, two Swedish companies that were found to be responsible for the Ramsgate walkway disaster are refusing to pay their fines, and there is absolutely nothing that we can to about it. If the Bill remedies that, it will certainly be a great strengthening of competition law and the means by which we enforce it.

9.3 pm

Mr. John Bercow (Buckingham): I begin with something that may come as a surprise to the House, and especially to the Minister: I congratulate the Government. I believe that, on one issue, they are right. Indeed, I shall go so far as to employ the term favoured by the Prime Minister himself: they are absolutely right to resist the McNally amendment. I am sorry that the President of the Board of Trade came under sustained assault from Labour Back Benchers, because the Government's position is correct.

Predatory pricing is already illegal. There have been three recent inquiries into alleged predation, and, on each occasion, it has been demonstrated to the authorities' satisfaction that that predation had not taken place. The hon. Member for North Durham (Mr. Radice) said that the most recent investigation was in 1994. I hope that he will forgive me if I suggest that he is mistaken: an inquiry in September 1996 arrived at the same conclusion as the previous two.

I wondered which Minister would take it upon himself or herself to upset old Labour by being the bearer of bad tidings about the Government's intentions; the President of the Board of Trade began the bad news, and no doubt the Minister of State will conclude it.

I was genuinely saddened by the response of the hon. Member for Sunderland, South (Mr. Mullin). I said to him that, if it was Mr. Murdoch's intention to extinguish all his competitors, he had presumably been unsuccessful, because, over the past six years—since the year before the first inquiry—the broadsheet market has expanded by 14 per cent. The hon. Member's response was pitiful: he said that it would take time and that Mr. Murdoch was—I think he used these words—"working on it".

[Mr. John Bercow]

Subsequently, the hon. Gentleman said that he was interested not in Mr. Murdoch's motives but in the effects of his behaviour. He cannot have it both ways: the effects have been entirely benign. Labour Members who are opposed to Mr. Murdoch cannot keep shifting the goalposts: the rules are there, the investigations have taken place, and Mr. Murdoch's behaviour has been adjudged to be entirely proper. I hope that the Government will remain firm. The Minister will have some unlikely allies on that aspect of the Bill, if not on others.

My view on vertical agreements is rather less friendly to the Government. The President of the Board of Trade pronounced on the subject last August. The Confederation of British Industry had said that most such agreements were benign, and the Brewers and Licensed Retailers Association had said that, if the Bill were to scrap the beer tie, it would be "disastrous", with the closure of thousands of pubs and the destruction of tens of thousands of jobs.

What was the response of the President of the Board of Trade? She said:

"I see a good case for excluding most"—

not many, some, or a good proportion, my right hon. and Friends will note, but most—

"vertical agreements from the scope of the Bill".

She went on proudly to say that that was

"something that I know business will welcome."

It was reasonable to infer from that statement that the Government proposed to define what constituted a vertical agreement and to list the specific agreements currently obtaining that they considered acceptable and which would therefore be excluded from potential discrimination under the terms of the Bill. Despite that statement, made last August, and despite the fact that the Bill received its Second Reading in the other place 193 days ago, and completed its stages there 67 days ago, the Government have still failed to come up with a list. That is a pretty unsatisfactory state of affairs, and I hope—even now, at the 59th minute of the eleventh hour—that the Government will improve on it.

Several hon. Members have talked about community pharmacies. I agree with those on both sides of the House who have argued for the continuation of existing treatment, but I have an objection to the speech of the hon. Member for South Thanet (Dr. Ladyman), to which I listened carefully. It is not good enough for him to say that he does not believe that retail price maintenance is the only means by which to protect community pharmacies, rural or urban—to argue by advocacy—unless he can argue in favour of an alternative that the Government can reasonably be expected to support and implement.

In reality, the essential small pharmacies scheme, which is sometimes touted as a saviour for those beleaguered entities, supports only 286 pharmacies. Conservative Members are concerned about the threat to 3,000. In the other place, Baroness Jay of Paddington said that the Government were neutral about the impact of retail price maintenance abolition and the effect of the Bill. I must tell the Minister of State that I am not neutral about the impact on pharmacies in my constituency, and my right hon. and hon. Friends are not neutral, either. We will demonstrate our firm support for community pharmacies by the way in which we vote tonight.

The hon. Member for Galloway and Upper Nithsdale (Mr. Morgan) raised the important issue of look-alike products. The Government have said that they do not think the Bill is the appropriate place in which to treat that issue. I do not necessarily disagree, but the Minister should know that the British brands group has argued that lookalike products have two effects: they cause confusion, and they allow those who deal in them a free ride on the investment and innovation of other companies.

Those effects are serious. In a recent survey, 17 per cent. of people said that they had purchased look-alike products by accident, and, in a survey of purchasers of four specific products, between 42 and 52 per cent. thought that the look-alikes were probably or definitely made by the manufacturer whose brand the products resembled. There is a regrettable intention to deceive, and I ask the Minister of State to reflect on a matter that is not a party political issue. The British brands group considers existing remedies inadequate, so, if the Minister considers that the matter cannot be dealt with here, how can it be addressed?

The Minister of State, Department of Trade and Industry (Mr. Ian McCartney): My hon. Friend the Minister for Competition and Consumer Affairs has met interested parties to discuss the matter. There is no common agreement about the way forward, but we have asked them to come up with proposals to deal with the matter. We are all keen to find a way to prevent individuals, companies or groups of companies from undermining the capacity of other organisations to sell their goods in the marketplace.

Mr. Bercow: I am grateful to the Minister for his constructive and forward-looking response. I do not want to rehearse the issue further, but I am glad to know that the organisations and spokesmen concerned are still in the tent and discussing future resolutions of the problem.

Another issue that concerns me and others involves powers of investigation, scope for representation of those who are accused of offences, and fines. The CBI has said that the powers of investigation are excessive. The distinguished firm of lawyers Clifford Chance has said that no case has been made for such greater powers. We are talking about entitlement to confiscate documents and to take away computer records for up to three months. There is a question whether investigators—who, in some cases, must break into properties—may take away original documents that might impact on or damage the businesses that are being investigated. That is a legitimate matter of rights and the balance of what is appropriate. I ask the Minister to respond to that point.

Mr. Letwin: Will my hon. Friend give way?

Mr. Bercow: I hope my hon. Friend will forgive me if I do not. Other hon. Members wish to speak.

I am concerned about proposed fines, the level of which is arbitrary. I ask hon. Members to consider whether it is right to import the criminal law to this area of commercial activity. It may be right, but I am not persuaded. The onus is on the Government—Back Benchers, not just

Ministers—to make the case, and it is not clear to me that such a case has been made. People accused of offences should be accompanied by a legal representative to a hearing conducted by someone who is not involved in day-to-day investigation of such cases. If the rights of the person accused are to be protected, it is vital that proper neutrality is established and upheld throughout the process.

The motives of the Bill may be good, but the content is poor. I judge it so far to be ill prepared and potentially hazardous. As it stands, it is unfit for human consumption, and on that basis I will go with relish into the Lobby to oppose its Second Reading.

9.14 pm

Mr. Nigel Beard (Bexleyheath and Crayford): It is useful to consider where the Bill fits into the general pattern of economic policy, because it is about more than newspapers.

Businesses generally react to unregulated markets by curtailing competition to eliminate risks and increase profits. The consequence is limited customer choice and the concentration of market power into fewer and fewer hands. Central planning, nationalisation and detailed regulation have been regarded as answers to the unaccountable power of large monopolies and the adverse consequences of unregulated laissez-faire markets. That approach has proved too cumbersome and inflexible to match the supply of diverse goods and services to the subtle and fluctuating demands of citizens in modern democracies.

Competitive markets have proved to be the only way to secure an evolving, detailed match of supply and demand. The problem is that some business consolidation and co-operation, though tending to diminish competition, may be justified if an economy is to evolve and grow through improved productivity and innovation. The role of competition legislation is therefore to arrest the natural tendency towards the erosion of competition while leaving adequate scope for businesses to adapt to changing circumstances.

There is a clear consensus that the Restrictive Trade Practices Act 1976 did not work. It was complex, riddled with anomalies and more a matter of form than of substance. It wasted time and effort without preventing anti-competitive behaviour. The Bill reflects a fundamental change from targeting the symptoms of anti-competitive behaviour, which were often misleading. It sets out clear principles directly related to what it is intended to achieve.

First, any anti-competitive behaviour should be prohibited. The only basis for commercial advance will therefore be the satisfaction of customer demands. Secondly, it will prohibit any abuse of a dominant market position. It is the abuse which is banned, not the scale of operation. Large enterprises such as British Telecom may build up a substantial market position in Britain so that the home market becomes the launching pad for international competition. If British firms are circumscribed in their scale of operation at home, international competition against, for example, United States and Japanese companies with large home markets will be jeopardised. Those principles are clear and understandable.

The congruence of the two principles on which the Bill is based with articles 85 and 86 of the European Union treaty mean that satisfying the requirements of United Kingdom legislation will also satisfy European Union legislation. Companies will thus be saved the complexity and expense of satisfying two different sets of legal principles and proceedings.

I should be grateful if the Minister could clarify whether clause 60 provides for reference to the European Court of Justice for interpretive rulings on points of European law. Can he confirm that it may enable the European Commission to leave to United Kingdom authorities matters that might otherwise have been decided by the Commission?

The Bill applies across all sectors of business and the professions, which adds to its clarity. The amendment produced by Lord McNally in another place to cover abuse of a dominant position by national newspapers is unnecessary. The Bill unamended is applicable to the circumstances of the amendment, as my right hon. Friend the President of the Board of Trade said.

The amendment also introduces absurdities into the Bill by prohibiting justifiable actions which, although they might reduce the diversity and independence of the national newspaper press, do so for entirely reasonable purposes. Let us suppose that a newspaper takes up a noble cause that attracts readers, like the *Daily Mail*'s support for the Labour party. Is the Director General of Fair Trading supposed to say, "You cannot do that. Go back to your lost cause, the Conservative party, or the *Daily Mirror* and *The Guardian* will be jeopardised"? It is absurd.

To oppose the amendment is not a matter of caving into press barons. To bolt on amendments for a range of specific industrial circumstances is more likely to confuse the Bill's purpose than to clarify matters. If *The Times* is guilty of predatory pricing, let the Director General of Fair Trading proceed according to clause 18. I oppose the new and redundant clause 19.

The Director General of Fair Trading, in implementing the legislation, will be adjudicating issues worth many times more than the awards that may be available in civil courts. When so much is at stake, the incentive to frustrate the regulator by withholding or destroying evidence is great. If the penalties are weak, they will be treated as a licence for malpractice. I note that the Confederation of British Industry has said that the powers for investigation and enforcement are excessive, but it underestimates the strength of the forces likely to be ranged against the legislation.

No one, least of all members of the CBI, will benefit if the Bill is ineffective because its provisions are unenforceable, or if the penalties have little impact. For the purposes of investigation and enforcement, the Bill has been given sharp teeth. Those teeth will bite when the Director General of Fair Trading has decided to investigate a potential breach of the provisions of the legislation, and when a decision has been made.

What I do not find clear is the redress available to a third party who has suffered from the anti-competitive behaviour of another company, whose activities have not been investigated by the Office of Fair Trading. Third party rights were mentioned explicitly in the original consultation document, but all mention of third party rights has been eliminated from the Bill. Will the Minister of State clarify the position?

[Mr. Nigel Beard]

The final criterion by which the Bill should be judged is that innovation in goods and services and in business practice should not be impeded. Clause 2(2)(b) speaks of prohibiting agreements that

"limit or control . . . technical development",

but many new technical developments depend on two or more companies bringing together complementary technological expertise to develop a commercially attractive and innovative technology.

For example, a biotechnology company may develop tests for early diagnosis of disease based on the latest understanding of the human genome, but to be useful that has to be harmonised with electronic instrumentation that will enable the tests to be applied in a medical centre or hospital. Likewise, in modern reprographics, the dyes, inks or films have to fit intimately with the equipment that does the printing, so the two need to be developed together.

Investment from each collaborator will be significant; they could not responsibly commit themselves to the investment unless they could see a potential advantage. Moreover, the possibility of legal difficulties, added to the inherent risks, will inhibit companies from becoming involved in such developments.

The European Commission has been hostile to agreements that extend development collaboration to joint production and marketing, but it now sees such early-market joint-venture agreements as far less objectionable.

I should be grateful for the Minister's reassurance that the sort of block exemption used by the European Commission goes far enough to cover collaboration in the launch and early marketing of innovative products and so will not inhibit innovation.

The Bill makes the Director General of Fair Trading a very powerful influence on the way in which the British economy is modernised. He should account to the House for the use of the powers conferred on him by the Bill. That might be achieved by the director general appearing regularly before the Select Committee on Trade and Industry, in the same way as the Governor of the Bank of England appears before the Treasury Select Committee.

The Bill replaces discredited and ineffective legislation with a clear structure for regulating a modern economy at the heart of the European Union. It leaves scope for the economy to evolve and to increase productivity and innovation, while providing the powers to ensure that the law is enforced. It is another major contribution towards modernising Britain, which deserves the whole-hearted support of the House.

9.25 pm

Sir Nicholas Lyell (North-East Bedfordshire): I am grateful to catch your eye, Mr. Deputy Speaker, albeit to speak briefly at the end of this debate and to follow the hon. Member for Bexleyheath and Crayford (Mr. Beard). If he believes his last sentence, he has another think coming, but I hope that, by the end of its scrutiny, the Bill will be a little closer to the utopia that he attempted to describe.

I must declare an interest as a lawyer. The Bill has been criticised as a potential lawyers' charter. I come from a chambers that specialises partly in competition law.

I want to make four important points. The Bill constitutes a very important change in the United Kingdom's approach to competition. Hitherto, our approach has been one of liberty, subject only to registration, and one might be attacked if one had registered or failed to register. We now move to the approach of prohibition, which can be drastic unless it is clearly and carefully handled. The previous Government considered that approach carefully, but, as the hon. Member for Bexleyheath and Crayford said, the present Government, for all their hype, have a lot of thinking to do.

My first point relates to vertical agreements. We must not move from prohibition to the complete exemption of vertical agreements; they must be approached case by case. They are very important to many small and medium-sized businesses. Community pharmacists have, rightly, been discussed at length, and I strongly support our reasoned amendment to try to protect them. However, filling stations, book shops, publicans, travel agents and newsagents all benefit from vertical agreements, which can give them commercial support in circumstances where the law of the jungle might otherwise apply.

Those agreements have been carefully and effectively policed to a great extent by the common law. The idea that we are entering a brave new world and that those agreements were never regulated in the past by the common law or the Restrictive Trade Practices Acts is mistaken.

My second point relates to the Competition Commission's appellate role. I make a strong plea for a senior judicial figure to head the commission, particularly with regard to its appellate role. The commission will have to make decisions on complex legal and economic questions; it will have to evaluate oral and written evidence, and its judgments will go straight to the Court of Appeal. If as much of the Bill's contents are left vague as appears will be the case, it is important that the commission is of high quality and is led by someone who not only is an experienced lawyer and judge, but has a background in competition law.

My third point concerns the interplay of competition and regulation. The Bill provides the opportunity to use two lines of attack. The first is the powers that would normally be used by the Director General of Fair Trading under the Bill, but he is not the only investigatory and enforcement body. All the regulators for telecommunications, electricity, water, rail and gas, including their equivalents in Northern Ireland, will have concurrent powers under the Bill. Businesses, large and small, are entitled to know which way the cat will jump. It should normally jump according to the Bill's provisions. Regulators should not use their existing powers to achieve the same effect that their powers under the Bill would have. The Bill needs to be clarified to show that its powers, which are draconian but accompanied by certain safeguards, will be the usual route adopted—so that those safeguards are heeded.

My final point concerns clause 60, which requires the director general of the new tribunal to have regard to the judgments of the European Court. Much more needs to be spelt out in this area, although I have no time to go into detail. As the clause states that regard shall be had to "relevant differences" from Community law, why cannot the Bill spell out in detail what those relevant differences are?

In summary, the Bill needs a great deal of careful scrutiny. Lord Borrie, the former director general, clearly felt himself lacking in power to restrain anti-competitive behaviour by some over-mighty businesses. The Bill certainly gives his successor that power, but the danger is that we may leave too much uncertainty while sacrificing too much of the flexibility that has been one of the key benefits of British competition policy over the years.

The Government still have much to think out, but our proposals and amendments will be constructive, and I hope that the Government will listen carefully to them.

9.30 pm

Mr. Tim Boswell (Daventry): The choreography of this Second Reading debate—against which background my hon. Friends and I will shortly be voting—has been interesting. The genesis is interesting, too; it is over eight months since the Bill had its Second Reading in another place—virtually the gestation period of a human baby. Given the uncertainty still apparent in the Bill, perhaps the gestation period of an elephant would have been more appropriate.

The debate has been marked by its intensity and by the terseness of the speeches. More than 20 Back Benchers have spoken, all of them with their own distinctive contributions to make. Had I been a Government Whip, I would have taken some comfort from the fact that the McNally clause—clause 19—and the conduct of the press have taken a front seat, even taking priority over the 184 Back-Bench signatories to the early-day motion about community pharmacies, which perhaps represent a more sensitive issue.

Let us begin by reminding ourselves, as a matter of common ground, that we all seek competitiveness. We all, at least in principle, accept that competition is the best way to secure it—and the Bill is about how best to secure competition. I have no objection in principle to some assimilation of EU competition law, or to re-examining our law—but it has to be got right. The danger with the Bill, despite its long consideration to date—reference has been made to its longueurs—is that it is still incomplete. Its details have been withheld, and it is not yet sufficiently precise for us to agree to it with any confidence. That is why we shall vote against it tonight.

Going back to first principles, what we do know is that Lord Simon of Highbury, introducing the Bill in another place, said that it was not only important but complex and technical. This was perhaps a politer version of the aperçu of Lord Kingsland, who asserted that the Bill would prove an El Dorado for lawyers. I am not a lawyer; like many others, I am on a voyage of exploration—not for gold but for a simple understanding of the rather awkward legal concepts involved.

I adopt a good standpoint for a Conservative when I say that, for all its faults, the complex of legislation developed in this country since 1948, under Governments of both parties, to regulate monopolies and mergers and competitive behaviour generally, including restrictive practices, has, broadly speaking, worked. It has been evolutionary, but its general effects have been positive.

I do not make the logical jump from that to conclude that the legislation was ideal—obviously, deficiencies were apparent, including deficiencies of delay, which have been mentioned—but it is most important that what replaces it is more certain and more effective, not less so. I warn the Government that their besetting sin is that, although they are always strong on aspirations, they are weak indeed on finding means of putting those aspirations workably into practice.

As someone who has always respected that film of the battle of Arnhem, "A Bridge Too Far", I think the moral for the Government is not simply "a clause too far" but, in the case of this Bill, "a chapter too far" at least. Conservative Members retain toward the Bill not illwill but considerable reservations. Although problems remain—about clarity and penalties, for example—in the chapter I prohibitions on anti-competitive agreements, we have clear reservations about chapter II, on the abuses of dominant position.

It is still unclear to me—although it may be clear to others—what is meant by

"the abuse of a dominant position".

We await the Office of Fair Trading guidelines on that. It is not clear how it meshes with—whether it is con-terminous and identical with—article 86 of the treaty of Rome. How are we to define those awkward concepts of dominance—dominance in what markets, or in what sectors of markets?

The Government have now usefully clarified that the maximum penalty of 10 per cent. should apply only to turnover in the United Kingdom, so they are not claiming extra-territorial jurisdiction. Nevertheless, how is the relevant turnover to be defined, and are the means of powers of entry, for example, proportionate to the ill that may be perceived to be done, given that these are, typically, legitimate businesses going about their legitimate purposes?

There is a danger that, despite Ministers' good intention and the safeguards that they have already announced, there will be real difficulties of interpretation, especially for smaller businesses that have not previously traded abroad, which have therefore not been caught by European Union competition law concepts, and which will have to come to terms with them.

There is a danger that investment or entry to the market will be deterred—the so-called chilling effect on new entrants. For those reasons, the CBI—about whose support for the principles behind the Bill there has been some debate—has proposed a more targeted prohibition. The solicitors Clifford Chance—I suppose, one of the most distinguished practitioners in that area of the law—in a very interesting paper, have argued for a more phased approach, with a bit less big bang. It occurred to me that, if small businesses had to take advice on whether they were compliant, they might well incur three-figure rates per hour such as those that Clifford Chance would charge.

Leaving that aside, the proposal which Clifford Chance produced is for

"capping the maximum penalty and delaying third party actions for say 3 years after introduction"

to

"give a proper opportunity for the Director General to issue advice and guidance",

for industry to react and

"to enable the initial enforcement of the prohibition to be developed under a less penal regime."

That is wise advice for the Government.

I hope that the Government will reflect on the somewhat flimsy basis of "comfort letters" as a safeguard for commercial transactions, because, if a business has

[Mr. Tim Boswell]

written to the director and received a letter saying, "We think it is all right," the last thing it wants is suddenly to find itself formally and legally challenged at a later stage; it would be extremely unfair, if not a breach of natural justice, if that happened.

There are similar concerns about the unanticipated jeopardy for businesses. Let us remember that we are talking about legitimate firms trying to carry out their business which find themselves in a clash of overlapping jurisdictions between regulators. The Government are apparently keen on concurrent powers. Although I believe that, as a general principle, regulators should work together, and, above all, speak to one another, I am attracted to the working principle that one regulator should call the shots at any one time, particularly if it is the industry regulator whose main raison d'être is the regulation of that business, as opposed to general competition regulation. If, however, the industry regulator moves forward to general issues of competition, there should be a proper set of procedures, including appeal procedures, which should be linked in through the Bill rather than operating on a different, and perhaps more administrative, regime.

I am concerned that, given the Government's present attitudes, they may seek to drag a wider social agenda into competition issues—across the field of utilities regulation. Equally, there are still concerns about clause 60 and the overlap between the EU and domestic regimes. Although I am no lawyer, I think that that applies particularly to the procedural principles of action. Undoubtedly the EU begins with a different tradition—a rather healthy tradition—of administrative law, which has not been so well developed in this country. We must make sure that we are operating along the same lines.

My abiding fear is that businesses may act in good faith—and may even seek assurance and guidance from the director—yet may find that, because the regulators have a difference of opinion about powers, or because of a difference between the EU and domestic courts, or because other factors do not mesh in this complex domain, they are suddenly caught in a trap. That is not fair, and it is not good for business.

In that context, we must examine individual sectors of concern. I have already mentioned community pharmacists. There are reservations about vertical agreements in general. We may know that the Government seek to give relief, but we do not know on what basis, or whether it is justified. There are specific problems—for example, for agricultural co-operatives, in which I have a small interest. The British Medical Association has raised concerns.

Several hon. Members have expressed anxiety about look-alike products. Interesting comments were made by the hon. Members for Middlesbrough, South and Cleveland, East (Dr. Kumar) and for Eastleigh (Mr. Chidgey) about engineers. As an erstwhile livestock rearer and agronomist—although I did not usually give charged advice—I was slightly surprised to find myself relabelled as an engineer. There is something wrong with schedule 4, which must be put right.

The Government can claim some credit for good intentions. They have introduced, as they tend to do, stakhanovite legislation containing a huge mass of important and difficult concepts that will have to be examined in the Committee, on which I hope my right hon. Friend the Member for Cities of London and Westminster (Mr. Brooke) will serve; my right hon. Friend will adorn the Committee with his wit and wisdom and will ensure that we have an interesting and enjoyable time, as well as an intellectually stimulating one. I hope that the Government will not squander the opportunity of introducing good legislation.

The Government have relied on their consultation exercise, but there does not seem to have been a great deal of follow-through. The wires in the business world are not buzzing with concern about the matter, and they should be. It is important that the issues raised by hon. Members throughout the House are properly articulated and considered in Committee. There is nothing wrong with a Committee stage. No lack of machismo is shown by a Government who are prepared to listen, as I hope the President of the Board of Trade and the Minister of State will do.

One could compare this legislation with the companies legislation that was introduced in the post-war period. It had a long genesis of two or three years under the post-war Labour Government. We legislate on complex technical issues in too much of a hurry, and we must get this matter right. There is a continuing danger that, although the Government seek to improve competition and reduce costs on business—I think that their compliance figures are implausible—they may create uncertainty for business, the need to seek expensive legal advice, and awkward compliance costs—and that is before an individual business may be caught in the toils of one of the procedures.

Businesses deserve a degree of stability and certainty that they do not have at present. It is essential that those matters be properly clarified before we can say that the legislation has been secured successfully. We need to set down a marker of concern for the Government tonight. We must signal that, irrespective of the Government's assertions, there is a danger that the Bill will operate perversely against the interests that it claims to promote. That is why we shall reject it in the Lobby tonight.

9.45 pm

The Minister of State, Department of Trade and Industry (Mr. Ian McCartney): I congratulate those 23 right hon. and hon. Members who contributed to the debate. It was conducted to among the highest standards of any debate that I have had the privilege to listen to and be part of during 11 years in this place. Of course, there are some obvious exceptions, to which I may refer later—I see the right hon. Member for Wokingham (Mr. Redwood) is in his place. Hon. Members generally made a thoughtful contribution, and I apologise for the fact that time prevents me from addressing many of the technical issues that they raised. Those matters will be debated in Committee. I have been in Committee with the hon. Member for Daventry (Mr. Boswell) on numerous occasions, and he knows that I am prepared to discuss matters in Committee. We shall examine a range of issues in Committee in order to ensure that, when the Bill emerges from Committee, it deserves the support of the House—as it does tonight.

My hon. Friends the Members for Ealing, Acton and Shepherd's Bush (Mr. Soley), for North Durham (Mr. Radice) and for Sunderland, South (Mr. Mullin) set out their cases with a great deal of clarity and integrity. I welcome their contributions, as well as those of other

Labour Members. My hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) referred to the proposed sale of Rolls-Royce. I take genuine note of her comments and the spirit in which she made them.

The Bill will achieve much-needed modernisation and strengthening of our competition laws. It will be a highly effective regime that is tough on cartels and other anti-competitive activities. It fulfils our manifesto commitment fully, effectively and quickly. Reform of the current weak laws is long overdue, and the Bill brings United Kingdom laws up to date after years of indecision on the part of the previous Administration.

The hon. Member for Daventry expressed his views in a soft and thoughtful manner. However, it sticks in my craw that, although the Conservative party was in power for 18 years and did nothing about competition law for the last 10 years, Conservative Members complain that, in nine months, this Government have proceeded only to the Second Reading of the Bill.

The fact is that the Bill has passed through its stages in the House of Lords and there has been major public consultation. The matter was considered in a non-partisan manner with the Opposition in another place. We tried to persuade our colleagues to our view and to promote changes that would improve the Bill. No one can say that the Government have sat on their hands in relation to this issue.

The previous Government did not have the bottle to do something about the difficult questions regarding competition, and they left it to my right hon. Friends and me to deal with. Therefore, I shall take no lessons from the hon. Gentleman when it comes to the timing of this legislation.

The Bill puts right previous failings. It will give the Director General of Fair Trading the powers that he needs to uncover cartels, abuses and other anti-competitive behaviour. He will have effective powers to stop anti-competitive behaviour quickly and to impose stiff financial penalties that provide an effective deterrent.

If I understood the right hon. Member for Wokingham correctly, he said that he was basically satisfied with the current regime. We do not agree. The essence of a prohibition regime is that the onus is placed on companies to avoid anti-competitive action. It is not good enough to allow anti-competitive practices to continue until they are reviewed or, to use a better term, found out. That is why the present regime needs reform. Time and again the director general has announced that he has caught up with an anti-competitive practice, such as price fixing in laboratory equipment, only to be able to do no more than ask the parties kindly to stop what they are doing.

Many hon. Members have talked about vertical agreements. Many of these agreements will automatically be exempt from the prohibition of anti-competitive agreements. The Bill provides that vertical agreements, such as petrol solus agreements and exclusive distribution arrangements that meet the conditions of EC block exemptions, will be parallel exempt from the domestic prohibition. In general, vertical agreements are not anti-competitive. On that basis, there is a case explicitly to disapply the prohibition from vertical agreements to ensure the most efficient targeting of the regime to areas of more serious concern.

There is already provision in the Bill to make exclusions. We are in discussion with the CBI and other interested parties on whether additional flexibility in the Bill would be desirable and how vertical agreements should be defined. I have no doubt that the issue will be discussed in Committee.

Mr. Owen Paterson (North Shropshire): Will the Minister give way?

Mr. McCartney: The hon. Gentleman may not have noticed that I am still on my feet. I apologise to the hon. Gentleman but time is short. As I have said, we have had a good debate.

The Government are clear that it is important to have a strong, diverse and independent press. The importance of that is reflected in the special merger provisions for newspapers in the Fair Trading Act 1973, which are there to protect plurality of ownership and diversity of content.

Let us be clear about the way in which the Bill will work. It will prohibit anti-competitive conduct. Penalties and third-party claims for damages may follow. The Bill is serious and tough. We are not softening the law, as some seem to think; we are greatly strengthening it.

Clause 60 requires European jurisprudence to be followed. Having taken legal advice, I shall explain what that means. On predatory pricing, in the case of Tetra Pak, the European Court of Justice followed its earlier decision in AKZO that, where prices are below the average variable cost of production, predation should be presumed. In other words, proof of intent is not required. That is indeed an objective test.

Subsection (2) of clause 60 makes it clear that inconsistency must be avoided in the principles applied by courts in applying the domestic prohibition and those laid down by the European Court and any relevant decision of that court. The principle established in AKZO and Tetra Pak will apply under the Competition Bill. If prices are above average variable costs but below total average costs, conduct is to be regarded as predatory where it can be established that the purpose of the conduct was to eliminate a competitor. The principle established in European case law will apply under the Competition Bill when enacted.

European jurisprudence makes it clear that dominance means a position of economic strength that enables an undertaking to act independently of competition. Market share does not determine dominance, but it is an important factor. The Commission has made it clear that, although, in general, companies with market shares below 40 per cent. are unlikely to be regarded as dominant undertakings, some undertakings with market shares as low as 20 per cent. may be dominant if the nature and structure of the market enables them to act independently of competition. Clause 60(3) requires our courts to have regard to relevant statements of the Commission in applying domestic prohibition, so the assessment of dominance will follow the EC approach.

The McNally amendment is not about competition. It relates to wide-ranging regulatory intervention into newspapers. It is pernicious. Any action that may reduce diversity is caught if a newspaper holds a substantial degree of market power. The amendment does not distinguish anti-competitive abuses from a case where a newspaper becomes dominant through its good journalism and the failings of its competitors. If we leave the amendment as set out in the Bill, we shall be storing up

[Mr. McCartney]

trouble for successful newspapers in future. As a consequence, we shall remove clause 19 from the Bill in Committee.

The Opposition amendment refers to over-the-counter medicines and the review of resale price maintenance. Agreements enforcing that practice, like other agreements, will in due course fall to be considered under the Bill. In recognition of the existing exemption for resale price maintenance in over-the-counter medicines, however, the Bill gives relevant agreements a special five-year transitional exclusion from the prohibition.

When Conservative Members had responsibility for those matters, they proposed in a draft Bill precisely what we advocate—allowing current proceedings to continue. They cannot have it both ways: they cannot pretend that the issue is new and complain about the director general's action now, as they do in the amendment. The director general announced in 1995 that he was to investigate the matter following the receipt of complaints. As long ago as October 1996, he said that he intended to bring proceedings, asking the restrictive practices court to review the matter.

Moreover, it is clear that we could not remove the matter from competition consideration, even if we wanted to do so. EU competition law has direct effect, and the Commission has not proceeded with complaints received on the basis that the Office of Fair Trading has proceedings under way in the court that could satisfactorily resolve the matter. The logic of that was most recently confirmed in a letter from Commissioner Van Miert to my right hon. Friend the President of the Board of Trade: that if the proceedings were stayed, the Commission would pursue its own investigation of the case.

Whatever the outcome, the public can be assured of our commitment to a national health service to which all people have access, regardless of who they are or where they live. We have published our proposals for creating a modern, dependable NHS which is there when people need it. My hon. Friend the Member for Middlesbrough, South and Cleveland, East made a passionate case. I can assure him that the community pharmacy is very much part of the Government's vision. Pharmacies provide somewhere to which patients can turn for advice and support as well as a place from which they can collect their prescriptions. The place of community pharmacies within the NHS is not in doubt.

The right hon. Member for Wokingham referred to the closure of pharmacies. Does he remember that 178 pharmacies closed during his membership of the previous Cabinet? If there is a rag bag, a muddle and a mess, it is the Opposition's position on the matter. For example, how will the hon. Member for Tunbridge Wells (Mr. Norman), the deputy chairman of the Tory party, vote tonight? Will he be in the Lobby supporting his right hon. Friend, or will he, as I suspect, take a different view, as do many Conservatives?

The right hon. Member for Wokingham also complained about powers of investigation. They are tough—there is no dispute about that—and so they should be. It has long been recognised that a major weakness of the existing regime is the inadequacy of powers of investigation. Strengthening is well overdue. Anti-competitive behaviour, especially anti-competitive agreements, is invariably concealed. Strong powers are needed to get to the truth. There are appropriate safeguards and limitations on the exercise of powers. The Bill aims at alignment with the EU regime, and the powers are broadly similar.

The policy of the right hon. Member for Wokingham is to be soft on corporate crime and soft on the causes of corporate crime. That is wrong: anti-competitive conduct is cheating and bullying. Small companies and medium-sized enterprises can be seriously damaged and even driven out of business. No wonder the right hon. Gentleman was described as the worst Minister responsible for competition in living memory.

Business supports the Bill. The CBI, Kingfisher, CIA—*[Interruption]* the Consumers Association, the Law Society—*[Interruption.]* I knew that that would get Conservative Members going: the CIA is the Chemical Industries Association, with which I have a long-standing involvement, unlike the other CIA, in which Conservative Members may have had a long and active interest.

I make it clear that the Bill represents a manifesto commitment by the Government. We are now delivering on it, as we are on our other promises. That may surprise the Opposition, who consistently failed to address reform of competition law when in government. We have not failed business or consumers. I commend the Bill to the House.

Question put, That the amendment be made:—

The House divided: Ayes 169, Noes 314.

Division No. 268] **[9.58 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Arbuthnot, James
Baker, Norman
Baldry, Tony
Ballard, Mrs Jackie
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brand, Dr Peter
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Cable, Dr Vincent
Cash, William
Chidgey, David
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clifton-Brown, Geoffrey
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gorrie, Donald
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hancock, Mike
Harvey, Nick
Hawkins, Nick

Heath, David *(Somerton & Frome)*
Heathcoat–Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith,
Rt Hon Sir Geoffrey
Jones, Nigel *(Cheltenham)*
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
Maclennan, Rt Hon Robert
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shepherd, Richard
Simpson, Keith *(Mid–Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Tonge, Dr Jenny
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and
Mr. Stephen Day.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Anderson, Donald *(Swansea E)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burgon, Colin
Butler, Mrs Christine
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Canavan, Dennis
Caplin, Ivor
Casale, Roger
Chapman, Ben *(Wirral S)*
Chaytor, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda
(Edinburgh Pentlands)
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Rt Hon Robin *(Livingston)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Ewing, Mrs Margaret
Fatchett, Derek
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie
(Welwyn Hatfield)
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny
(Wolverh'ton SW)
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne

McIsaac, Shona
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marek, Dr John
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Quin, Ms Joyce
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Starkey, Dr Phyllis
Stevenson, George
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Truswell, Paul
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. David Clelland and Janet Anderson.

Question accordingly negatived.

Main Question put forthwith, pursuant to Standing Order No. 62 (Amendment on Second or Third Reading):—

The House divided: Ayes 345, Noes 134.

Division No. 269] **[10.12 pm**

AYES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Anderson, Donald *(Swansea E)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Baker, Norman
Ballard, Mrs Jackie
Banks, Tony
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burgon, Colin
Burnett, John
Butler, Mrs Christine
Byers, Stephen
Cable, Dr Vincent
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Caplin, Ivor
Casale, Roger
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Rt Hon Robin *(Livingston)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Ewing, Mrs Margaret
Fatchett, Derek
Fearn, Ronnie
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John

Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Nigel *(Cheltenham)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McLeish, Henry
Maclennan, Rt Hon Robert
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marek, Dr John
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Quin, Ms Joyce
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Starkey, Dr Phyllis
Stevenson, George
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Truswell, Paul
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. David Clelland and Janet Anderson.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Arbuthnot, James
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Cash, William
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clifton-Brown, Geoffrey
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Moss, Malcolm
Nicholls, Patrick
Page, Richard
Paice, James
Paterson, Owen

Pickles, Eric
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Stephen Day and
Sir David Madel.

Question accordingly agreed to.

Bill read a Second time, and committed to a Standing Committee, pursuant to Standing Order No.63 (Committal of Bills).

COMPETITION BILL [*LORDS*] [MONEY]

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a),

That, for the purposes of any Act resulting from the Competition Bill *[Lords]*, it is expedient to authorise the payment out of money provided by Parliament of any—

(a) expenses incurred by a Minister of the Crown under or in consequence of that Act, or

(b) increase attributable to that Act in the sums so payable under any other enactment.—*[Mr. Betts.]*

Question agreed to.

COMPETITION BILL [*LORDS*] [WAYS AND MEANS]

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a),

That, for the purposes of any Act resulting from the Competition Bill *[Lords]*, it is expedient to authorise—

(a) the setting by the Director General of Fair Trading of fees in respect of the exercise of certain functions under the Act and the charging of such fees;

(b) the payment of sums into the Consolidated Fund.—*[Mr. Betts.]*

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

BROADCASTING

That the draft Broadcasting (Percentage of Digital Capacity for Radio Multiplex Licence) Order 1998, which was laid before this House on 7th April, be approved.—*[Mr. Betts.]*

Question agreed to.

Secondary Transfer (Hertfordshire)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Betts.]*

10.25 pm

Ms Claire Ward (Watford): I have asked for this debate on behalf of the many parents and children in my constituency, and in much of Hertfordshire, who are suffering from the inadequacies of the secondary school transfer system. I shall speak for about 10 minutes, and then give my hon. Friend the Member for Stevenage (Barbara Follett) an opportunity to speak before my hon. Friend the Minister replies to the debate.

In Watford and its immediate districts, we are served by 12 good secondary schools—of which 10 are grant-maintained, leaving only two within the control of the local education authority, Hertfordshire county council. They include single-sex schools and what were formerly known as voluntary aided schools.

The problem is that, in the past few years, an increasing number of our children have been unable to gain admission to a school of their choice—whether it was their first, second, third or even fourth preference. Consequently, they have had to travel many miles from their friends and neighbourhood to attend another school.

Last year, for example, one young boy was not offered a place at a local grant-maintained school of his choice. His parents came to see me at my surgery, and told me that he has to travel about six miles to another school, in St. Albans. The situation has been disruptive for both him and his family, affected his social circle, and—because of the extra time that he must spend travelling to school—restricted him in the after-school activities that he can participate in. Travel to and from school has also imposed much greater costs on the boy's parents.

Unfortunately, that case is only one example of the difficulties faced by parents in Hertfordshire whose children have been refused a place at a local grant-maintained school.

Schools are unable to refuse applications from students outside my area—such as north London and other parts of Hertfordshire—because of the Greenwich judgment. Consequently, local children are unable to obtain places at schools that are often within walking distance of their home.

Mr. Andrew Dismore (Hendon): Is my hon. Friend aware that the problem spills over from Hertfordshire into the neighbouring authority of Barnet, where my constituency is located, or that, in the past year, 134 pupils from Hertfordshire were moved to Barnet? Specifically, a grant-maintained school in my constituency—the Mill Hill school—has selected 45 per cent. of its pupils by aptitude, and admitted another 110 pupils who are siblings of existing pupils. The net result has been that there are absolutely no places for children who live even in the same street as the school. Is my hon. Friend aware that, because of the Greenwich judgment, the problems in Hertfordshire are mirrored in my own constituency?

Ms Ward: I am aware of the situation, which has meant that local schools are unable to provide for their local community.

The causes of our problems in secondary school transfers cannot be attributed to one factor alone.

The very quality of the schools has caused some of the problems, as parents from many miles away want to send their children to single-sex grammar schools or to former voluntary-aided schools, putting immense pressure on places. Some children living nearby cannot get in.

I accept that some schools will always be more popular than others, but the problem is especially acute in Watford. For example, this year there were 859 applications for only 185 places in Parmiters school; the boys grammar school received 851 applications for 162 places; and the girls school received 812 for only 180 places. Those figures highlight the real problems that schools face in selecting children, and the significant number of parents who will ultimately be disappointed.

The system of selection causes most of our difficulties. Children of 11 or 12 are required to take an exam early on a Saturday morning in January, and are given the terrible task of meeting their parents' expectations and obtaining a place at what they consider to be the best school in the area. It is the old 11-plus by any other name.

There is no central clearing-house system, and parents have to make application to the individual school of their choice. The schools select on the basis of a number of criteria, and of course the exam results feature high on the list. As the schools consider the applications in the weeks following the exam, parents and children wait anxiously for news of offers.

As letters arrive from each of the schools, some children will be fortunate enough to receive one or more offers, while others will receive four or five rejections. Because of the absence of a co-ordinated system, some children receive up to six offers of places, at the expense of others who receive none. That is only the first round of problems for some children and their parents, and those without a place after the first round can face another three or four rounds.

That causes real heartache: children who do not gain a place feel rejected, and believe that they are failures. That may live with them for the rest of their lives. Those of us with parents or grandparents who went through the original 11-plus system will undoubtedly have such stories to tell. Sometimes a child is the only one not to have a place at a school that is due to take all his or her classmates.

In total, about 3,000 children transfer each year in Hertfordshire from primary to secondary schools. This February, 1,000 of those children had not received an offer from any school. That shows how acute the problem is. Over recent months, the local education authority has attempted to gain agreement with all the admitting authorities on a single clearing-house system to save parents from the difficulties of multiple applications and children ultimately receiving no offers.

Such a system would ensure that every child received the offer of a place on the same day, rather than having to proceed through up to four rounds, over many weeks, before possibly—only possibly—receiving a place. As no agreement has been reached between the grant-maintained schools and the local education authority, the decision has been referred to my right hon. Friend the Secretary of State for Education and Employment, and we hope that he will be able to make a decision.

It is vital to have a system that recognises parental choice and, above all, is transparent, simple and effective. Perhaps my hon. Friend the Minister will be able to confirm that my right hon. Friend has received communications from the LEA, together with a request that he impose on the county a system that will help to alleviate at least some of the administrative problems caused by the need for multiple applications. What options is my right hon. Friend currently considering?

The system has an effect not only on children and parents but on the schools themselves. The most popular schools are in a position to offer places to the ablest and brightest children, as determined by the exams. That means that schools do not have a broad range of ability. In no sense is there a comprehensive intake of children with differing abilities: the small number of children with special needs in schools that use 11-plus selection is proof of that. Watford girls grammar school has only one child who has been statemented to receive special needs assistance; Francis Coombe, a local education authority school, has 60 statemented children.

Many parents will refer to the locally and nationally published league table results. It is not surprising that many wish their children to attend the schools with the best academic performance results. It is much more difficult for schools with such a high proportion of children who require special attention to achieve the performance in the league tables that other schools without such a varied intake can achieve, and that creates a vicious circle.

Schools with many pupils with special needs are seen as schools that parents do not consider to provide the best education. But that is not true: such schools provide a very good education, although the absence of any value added information deceives parents into thinking otherwise. It is vital for the Government to deal with the problems by amending league tables to take full account of the real value of education at such schools.

Last May, the Government were elected on a manifesto that promised no selection of children at the age of 11 on the basis of academic ability. I whole-heartedly support that policy, as, I am sure, do my hon. Friends. There can be no question of determining children's life chances at the age of 11 on the basis of a single exam held on a Saturday morning in late January. I hope that my hon. Friend the Minister will tell us that the situation will improve for the parents of children in my constituency who are still caught in a selection-driven time warp.

10.36 pm

Barbara Follett (Stevenage) *rose—*

Mr. Deputy Speaker (Mr. Michael Lord): Has the hon. Lady secured the permission of the hon. Member for Watford (Ms Ward) and the Minister to speak?

Barbara Follett: Yes.

I congratulate my hon. Friend the Member for Watford (Ms Ward) on securing the debate—and on speaking on her 26th birthday.

As my hon. Friend said, the present secondary school admission system in Hertfordshire is in dire need of reform. I congratulate the education authority on all its efforts to reform the system, and particularly on its

[Barbara Follett]

consultation exercise with parents. At present, children get into secondary schools in Hertfordshire on the basis of parental letters, which is plainly unjust. It favours not only the better off but the better educated, and, not surprisingly, has led to a record number of appeals in recent years.

Last autumn, the county council conducted a survey that found—understandably—that most Hertfordshire families wanted their children to attend a school as near to their homes as possible. At present, a significant number of children cannot secure a place at the nearest school, while others cannot even secure a place at a school in their home village or town. As a result, one of Hertfordshire's main problems is the amount of travelling that schoolchildren must do. That is on top of all the other problems outlined by my hon. Friend.

To solve the transport problem and to try to give parents more choice, Hertfordshire local education authority decided to create a system of multiple ring fences around groups of towns and villages. Under that system, children would have been guaranteed a place within their ring-fenced areas, and parents would have been guaranteed an element of choice. Any spare places would have been allocated to children outside the ring fence.

Unfortunately, the ring fence system had to be abandoned, because of the Rotherham judgment. That judgment states that parents' first choice of school is paramount, and means that any LEA that tried to allocate second or third places at a school before giving places to first preferences from outside the ring fence would be acting unlawfully.

In the light of the Rotherham judgment, Hertfordshire has had to revise its secondary admission plans, and despite herculean efforts, the new ones do not provide a solution as good as the original ring fencing. In some areas, little or no choice is given to parents and children.

That is not the fault of the local education authority, which has done its best to consult parents and respond to children's needs. It produced a solution that would have satisfied most parents, whether they lived in the rural or the urban areas of my constituency. Unfortunately, the Rotherham judgment scuppered it. More than 100 parents have contacted me about the problems they will face as a result of the compromise criteria that the LEA has had to introduce.

Mr. Kerry Pollard (St. Albans): Is my hon. Friend aware that my constituency suffers the same problems? Dozens of children have been left without places. I endorse her comments, and congratulate my hon. Friend the Member for Watford (Ms Ward) on obtaining this debate.

Barbara Follett: As my hon. Friend says, this is a Hertfordshire-wide problem, but the Government must address it. There is still a pretence in some circles that the national law on school admissions provides choice for all parents. It does not: some parents get some choice in some areas. Our task is to provide a choice for the many, not the few.

10.40 pm

The Minister for School Standards (Mr. Stephen Byers): I congratulate my hon. Friend the Member for Watford (Ms Ward) on securing this debate. I offer double congratulations if this is also her 26th birthday.

This issue did not come to my hon. Friend only in the past few weeks or months. I remember vividly being lobbied within a few days of taking office as Minister for School Standards about her concerns on school admissions procedures as they effected her constituents. She led a delegation to meet the Under-Secretary, my hon. Friend the Member for Birmingham, Yardley (Ms Morris), last summer. She has tabled parliamentary questions about the issue and arranged local meetings with concerned parents and teachers to discuss the way forward. I am pleased that officials from my Department were able to attend some of those meetings.

All that activity has been for a good reason. Parents and children are not getting a fair deal. That is a real problem which must be addressed. We heard from my hon. Friend the Member for Stevenage (Barbara Follett) about the increased difficulties caused by what is referred to as the Rotherham judgment, which places restrictions on the way in which local education authorities can administer their admissions policies. The Government are considering its legal consequences. My right hon. Friend the Secretary of State for Education and Employment is considering what action the Government should take. We are discussing the way forward with the Local Government Association.

From the intervention of my hon. Friend the Member for St. Albans (Mr. Pollard), we know that the issue affects many constituencies in Hertfordshire. I am pleased that my hon. Friends the Members for Welwyn Hatfield (Miss Johnson) and for Hemel Hempstead (Mr. McWalter) joined the debate. However, it is not just a Hertfordshire issue. As my hon. Friend the Member for Hendon (Mr. Dismore) noted, difficulties can also be caused in neighbouring local education authorities.

We have a pressing problem which the Government must address, because we do not underestimate the upset and anxiety caused to parents by the way in which admissions arrangements apply in Hertfordshire. Parents have to make multiple applications to different schools at various times of the year. There is no single preference system covering all schools in the county. As a result, some parents receive multiple offers and others none at all. The local education authority has informed my Department that, in this year's round of applications, one in three parents in Watford were not given a place for their child. That is the scale of the problem we face.

The problem has come about for a variety of reasons, but there are two principle causes: first, the number of schools operating their own admissions arrangements and, secondly, the level of partial selection. The present situation is clearly unacceptable, and something needs to be done. In the long term, the School Standards and Framework Bill will remedy the problem; if I have time, I hope to say a little about how it will do that. However, that legislation, even though we hope it will be enacted by this summer, will cover only admissions for the school year starting in September 2000. The Government believe that we need to move more quickly than that.

Whatever action we take, we can do nothing to affect admissions to start school this September; the admissions round is already under way and we are having to operate that round under a system inherited from the previous Government. However, the Government have been giving serious thought to the steps that can be taken in respect of admissions for the school year starting in September 1999. If we move quickly, that is the soonest we can make

an impact on the admissions round. As a result of representations made by my hon. Friend the Member for Watford and other hon. Friends representing constituencies in Hertfordshire, I am able to announce this evening the action that the Government intend to take in Hertfordshire in respect of admissions for the school year starting September 1999.

As my hon. Friend the Member for Watford said, Hertfordshire local education authority has been trying to achieve local agreement on a co-ordinated secondary transfer process for the September 1999 intake. Its recent consultation exercise included all grant-maintained and voluntary-aided schools. Some schools have rejected the LEA's proposals for a single preference system, which is already operated by the county's 55 county schools and some of its grant-maintained and voluntary-aided schools. As a result of the failure to achieve agreement, the LEA has written to my right hon. Friend the Secretary of State formally requesting him to make a co-ordinated scheme for secondary school admission arrangements under section 430(4) of the Education Act 1996.

The application from the LEA is to cover the whole of Hertfordshire, and my officials met the LEA on 1 May to discuss the proposals in detail. The LEA wants a single preference system that results in all parents receiving at least one offer of a school place and all offers being made on the same day, to overcome some of the real difficulties that are apparent under the present arrangements. A unique aspect of the situation in Hertfordshire is that there is no overall shortage of places, so the objective is to make admissions arrangements more streamlined, and ensure that places are allocated fairly and without the present stress for parents and children.

Officials from my Department will now visit those grant-maintained and voluntary-aided schools that have not signed up to the LEA's agreement. We shall listen to their views and try to seek agreement from those schools to the LEA's proposals. If that does not prove possible, Ministers have the power to impose a co-ordinated scheme. It is a power that we have recently exercised in Peterborough. Obviously, we would prefer there to be a voluntary agreement, but, if that cannot be achieved, we will not simply stand to one side and ignore the difficulties faced by parents. We will therefore, if necessary, impose a scheme to overcome the difficulties experienced by parents and children in Hertfordshire.

Any scheme proposed by the Secretary of State would be subject to consultation—that is only right and proper—but we intend to move with as much speed as possible to ensure that all changes will be in place to effect admissions for the school year starting September 1999. This will be an important development, which I hope reflects the urgency with which the Government intend to treat the situation.

In the longer term, the issue of admissions will be covered by the School Standards and Framework Bill, currently under consideration in another place. Provisions in that Bill will require all schools admissions authorities to operate under a code of practice on admissions. It is the Government's intention to publish, during the first part of 1999, this code of practice. It will be subject to approval by Parliament, and it will cover such vexed issues as partial selection, a school's admissions criteria and co-ordinated practical arrangements for admissions.

The application of the code will be in the hands of an adjudicator, who will arbitrate if there are disputes between the relevant admissions authorities. Adjudicators will be appointed by the Secretary of State.

This evening, it would be wrong of me to pre-empt the contents of the code before it has been agreed by Parliament; but the code will allow the adjudicator to call a halt to partial selection when it is clearly operating in a manner that is not in the best interests of children in a locality. We also need to consider, in the context of the School Standards and Framework Bill, how parents' appeals against a refusal can be judged more independently. There is genuine concern in many areas that there might be a conflict of interest among those taking part in admissions appeals. The Bill therefore provides that appeals panels will be independent of the LEA and of the governing body that has refused a parent's application. We will achieve that by ensuring that members of the authority or the relevant governing body are precluded from serving on an appeals panel.

The difficulty we face is that the School Standards and Framework Bill will not be in place until the admissions round starting in the school year 2000. As I have said, we feel that action needs to be taken before then to ensure that parents in LEA areas such as Hertfordshire no longer have to go through the grief and difficulty that they encounter now. In many parts of the country, we have inherited from the previous Administration admissions procedures that may suit certain schools but do not suit many parents. We have to overcome those difficulties in a way that is sensitive to local requirements. Above all, we must do so in a way that puts the interests of parents and their children first.

I believe that, by giving urgent attention to using our powers under section 430 of the 1996 Act, we will be able to act positively to assist parents in Hertfordshire who, as my hon. Friend the Member for Watford pointed out, all too often feel vulnerable to, and let down by, the admissions arrangements now in place. If we move with urgency, and with all due speed, I am confident that we shall be able to consult all those interested parties and to ensure that we have in place an imposed system, if that is necessary, which will put the interests of parents and of children first.

This is an important issue for parents, teachers and children in the Hertfordshire area. The attendance of so many hon. Members, and of my hon. Friends representing constituencies in Hertfordshire, shows that that is so. I hope that tonight I have been able to offer some reassurance to my hon. Friends and their constituents. The Government do take their concerns seriously and we will act to ensure a fair admissions policy, which meets the needs of parents, children and schools in Hertfordshire and throughout the country.

Question put and agreed to.

Adjourned accordingly at five minutes to Eleven o'clock.

House of Commons

Tuesday 12 May 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

FOREIGN AND COMMONWEALTH AFFAIRS

The Secretary of State was asked—

Nigeria

1. **Fiona Mactaggart** (Slough): What actions he is taking to help Nigerians establish democracy in their country. [40490]

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): We are pressing the Nigerian regime to respect human rights and restore a credible and democratically elected civilian Government. We have measures in place against the regime and, with our European Union and Commonwealth partners, we are keeping the situation under close review. At the same time, we are supporting activities that promote human rights and democracy in Nigeria and strengthen its civil society.

Fiona Mactaggart: Will my hon. Friend confirm that it is the Government's policy to promote democracy in Nigeria and other countries in the region, including Sierra Leone? Will he confirm that it is no part of the Government's policy to countenance any breach of the United Nations arms embargo?

Mr. Lloyd: Our policy in Nigeria, and more widely in the region, is to promote democracy. My right hon. Friend the Prime Minister pointed out yesterday that the United Kingdom and the United Nations were trying to help the democratic regime of Sierra Leone against an illegal military coup. He also stated, quite clearly, that no one should breach a UN embargo.

It may help the House if I quote briefly from a letter sent to the Prime Minister by President Tejan Kabbah, who said:

"I recall during the Commonwealth meeting in Edinburgh, Mr Tony Lloyd remarking that while the British Government would continue to give diplomatic and other support to my Government, it could not provide it with lethal materials or weapons. As far as I was concerned the matter was closed".

Mr. Crispin Blunt (Reigate): Is it the Minister's assessment that the arms supplied to the Nigerian-led military observers group of the Economic Community of West African States—ECOMOG—which was working to restore democracy in Sierra Leone at the specific urging of section 18 of Security Council resolution 1132, could possibly also have been supplied in breach of that resolution?

Mr. Lloyd: The hon. Gentleman is right to ask that question. There is a real question about whether arms that go from anywhere into Sierra Leone are in breach of UN embargoes. I assure the House that the British Government, who were at the forefront of the UN move to establish an arms embargo in the first place, will also be at the forefront in ensuring that the legal position is rectified to allow the Government of Sierra Leone to conduct their business properly.

Mr. Bob Blizzard (Waveney): Does my hon. Friend agree that one of the essential ingredients of democracy is the rule of law? My constituent, Mr. Mark Davey, a welder in the oil industry, was murdered in Nigeria last month while he slept in a so-called secure compound. Since then, the Foreign Office has received no response from the Nigerian Government to requests for a copy of the police report and for the matter to be investigated by police at the highest level. Does my hon. Friend agree with me, and with my constituent's family, that that is unacceptable? Will he press the Nigerian Government at the highest level? Will he also try to enlist the support of the oil companies that employ people in Nigeria, as there are issues concerning the safety of British citizens working in the industry, as well as an obvious need to bring the murderers to justice?

Mr. Lloyd: The whole House will join my hon. Friend in commiserating with the family of Mr. Mark Davey. The high commissioner has not yet received any response, or a copy of the police report on Mr. Davey's murder. He has been asked to arrange a visit to the Nigerian Foreign Affairs Ministry to press for news on progress in the case. I shall certainly ensure that we continue to press the matter from both London and the high commission until we reach an acceptable conclusion.

Mr. David Faber (Westbury): On 1 April, the Minister met representatives of non-governmental organisations to discuss democracy and human rights in Nigeria and Sierra Leone. On 19 March, he met the Foreign Secretary's special representative, Mr. John Flynn. Was Sandline International mentioned at either of those meetings?

Mr. Lloyd: The best thing that I can say is that while many allegations have appeared recently, the hon. Gentleman should reflect on what I have already told the House today. I say again that no Minister had prior knowledge of or gave prior approval to any breach of the arms embargo. My right hon. Friend the Foreign Secretary is to establish an inquiry that will examine every aspect of the case. Unlike the previous Government in the case of Matrix Churchill, there will be no cover-up by this Government.

Mr. Martin Salter (Reading, West): Is my hon. Friend aware of the harrowing case of Elizabeth Siah-Vandi, the 14-year-old daughter of a constituent of mine who is in hiding following the beheading of her uncle by the despotic regime of Johnny Paul Koroma in Sierra Leone? Does he agree that the removal of that regime has been

welcomed by human rights campaigners? What steps does he propose to ensure that Elizabeth is reunited with her family?

Mr. Lloyd: I cannot comment on the specifics of an individual case, except to promise my hon. Friend that I shall look into it. I make the point solidly: the British Government worked hard for the restoration of democratic government in Sierra Leone because of the outrages committed by the junta. That is different from the arms-to-Iraq scandal, when the previous Government supplied arms to a regime engaged in torture and repression of its own people. That is the difference.

South-East Asia (Karen People)

2. **Jackie Ballard** (Taunton): What discussions officials from his Department have had with representatives of the Karen people in south-east Asia. [40491]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): In the course of their normal diplomatic business, officials in Rangoon, Bangkok and London have met Karens. Most recently, in March, our ambassador at Bangkok and officials from London visited camps sheltering Karen and other refugees on the Thai-Burma border.

Jackie Ballard: I thank the Minister for that reply. Will he ensure that the United Kingdom uses its presidency of the European Union to press for sanctions against the Burmese regime while it continues to repress pro-democracy groups and the Karenni people?

Mr. Fatchett: The hon. Lady knows that the United Kingdom has in its presidency reconfirmed the common EU position on Burma, which expresses our strong condemnation of the Burmese regime's violation of human rights. I assure her that we will continue to work hard to help the humanitarian position of refugees, particularly the Karen refugees. She will be pleased to know that during the last financial year the United Kingdom devoted more than £250,000 to that purpose.

Mr. John Wilkinson (Ruislip-Northwood): Will the Minister's Department, on behalf of Her Majesty's Government, issue a reassuring statement to the Karen people of Myanmar, and to the peoples of all the states neighbouring India, about the grave potential consequences of the detonation of three nuclear devices in a test programme by the Indians yesterday and the risk of an arms race and nuclear proliferation in the region?

Mr. Fatchett: I am sure that all hon. Members condemn the nuclear explosions detonated by the Indian Government yesterday. They will add to regional instability and are a source of concern for others in the region. We urge the Indian Government to sign up to the non-proliferation and test ban treaties. We also urge restraint on Pakistan so that it is not persuaded into an arms race that would be even worse for the stability of the region.

Cyprus

3. **Mr. Nigel Waterson** (Eastbourne): What plans he has to visit Cyprus to discuss a settlement between the communities; and if he will make a statement. [40492]

14. **Mr. Andrew Love** (Edmonton): What support the Government are giving to efforts to recommence the United Nations-sponsored negotiations in Cyprus. [40505]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): We fully support the current UN efforts to achieve the resumption of negotiations on a comprehensive political settlement in Cyprus. My right hon. Friend the Foreign Secretary met the UN Secretary-General on 3 April to reiterate that message.

My right hon. Friend has no immediate plans to visit Cyprus, but we continue to maintain close contact with leaders of both communities in Cyprus with the aim of getting the UN negotiations resumed.

Mr. Waterson: I thank the Minister for that answer. Following the recent visit to the island by Mr. Holbrooke, I urge the Minister not to allow any retreat from the proposals for a federal solution and I ask him to continue to urge the Americans to keep up their pressure on the Turkish Government.

Mr. Fatchett: We shall certainly continue to work with all our allies toward the objectives set out by the hon. Gentleman. We strongly support a bi-zonal, bi-communal solution to the problems of Cyprus as that is the only way to make progress. Whatever contribution we, the United States and the United Nations can make toward that objective will clearly be welcome.

Mr. Love: May I add my voice and those of my Cypriot constituents to those expressing concern at Mr. Denktash's decision to impose conditions that effectively block further negotiations toward a settlement? Will my hon. Friend reassure the House that the Government are taking every action, both in Cyprus and in Athens and Ankara, to ensure that the parties are brought to the negotiating table as soon as possible?

Mr. Fatchett: Like all other disputes of this sort, the Cyprus problem lends itself only to negotiation and to a resolution via the diplomatic process. There is no other way in which there can be a just and lasting settlement to the problems of Cyprus. Such a settlement is in the interest not only of Greek Cypriots, but of Turkish Cypriots. We shall continue to remind Mr. Denktash of his responsibility to the peace process and to his own people.

Mr. Mike Hancock (Portsmouth, South): May I use this opportunity to congratulate David Madden, the high commissioner in Cyprus, and his staff on the work they have done to support the bi-communal activities of the Cypriot people? May I also seek an assurance from the Minister that we will make every effort to bring the two communities together and exert pressure on Mr. Denktash? The real solution to the Cyprus problem, when one accepts that both communities want a solution, is that pressure needs to be exercised through Ankara.

Until the British and American Governments are prepared to tackle that issue front-on, the situation in Cyprus will continue not to be solvable.

Madam Speaker: I did not hear a question in that, but I am sure that the Minister will respond to the hon. Gentleman's comments.

Mr. Fatchett: I shall do my best to help the House by finding a question. I shall then set up my own question and answer it.

I shall convey the hon. Gentleman's congratulations and best wishes to our high commissioner—I am sure that they are well deserved. He is right in saying that there is a need for movement on both sides, including Turkey, if we are to come up with a satisfactory solution. I emphasise the point I made to my hon. Friend the Member for Edmonton (Mr. Love); the only way to achieve that is through negotiation and diplomatic activity and I assure hon. Members that we will spare nothing in our diplomatic efforts.

Ms Joan Ryan (Enfield, North): I understand that my right hon. Friend the Foreign Secretary is to visit Turkey in the near future. Will the Minister comment on whether he will urge the Government of Turkey to press Mr. Denktash and his regime to take a far more positive approach to a just solution for Cyprus in line with the United Nations resolutions?

Mr. Fatchett: I find it surprising that Conservative Members can find nothing else to do but laugh when we are dealing with such difficult and sensitive issues, especially given the suffering endured by the people of Cyprus over the past 20 years or more.

My right hon. Friend the Foreign Secretary will indeed urge the Turkish Government to become involved in a solution to the problems of Cyprus, which would be in the interests of Turkey and of the Turkish Cypriots. We hope that that approach will enable us to make progress in the near future.

Mr. Eric Pickles (Brentwood and Ongar): Part of the increasing tension is undoubtedly due to the purchase of £600 million-worth of anti-aircraft missiles by the Cypriot Government. In our presidency of the EU, what pressure does the Minister think we can bring to bear to ensure that that additional military hardware does not further exacerbate the situation in Cyprus?

Mr. Fatchett: I realise, from the serious nature of the hon. Gentleman's question, why he has risen to the status of vice-chairman of the Conservative party. He is taking the issues seriously and he is right to say that the introduction of the S-300 missiles later this year will add to the tension. We have said that that is unwelcome and it is not in the interests of the people of Cyprus. We will urge caution and negotiation, as I have already said and will continue to say. The hon. Gentleman is right to ask for that restraint and continued negotiation.

Middle East Peace Process

4. **Ms Julie Morgan** (Cardiff, North): If he will make a statement on the talks held in London on 4 May on the middle east peace process. [40493]

6. **Mr. John Butterfill** (Bournemouth, West): If he will make a statement on the middle east peace process. [40495]

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): The UK was pleased to host the peace process meetings held in London last week. I met the US Secretary of State, Madeleine Albright, on the eve of those talks, and my right hon. Friend the Prime Minister and I repeatedly met Madeleine Albright and the two parties to the talks over the two days of meetings.

Throughout those meetings we urged on both parties our view that the American proposals represent the best chance of breaking the deadlock. We welcomed President Arafat's acceptance of them. We regret that Prime Minister Netanyahu was unable to accept the American package, but we hope that further progress can be made when he meets Madeleine Albright tomorrow in Washington.

We fully recognise the importance of security to the Israeli people, but we also believe that their security will be best served by a just and fair peace settlement.

Ms Morgan: Does my right hon. Friend agree that one of the major problems is the resistance and inflexibility of Mr. Netanyahu and the Israeli Government regarding the peace talks that have been proposed? Will he continue to work with the US Government to encourage Mr. Netanyahu and the Israeli Government to accept those proposals?

Mr. Cook: We will maintain very close contacts with the United States and I, in particular, will maintain close contact with Madeleine Albright. I pay tribute to her strong, firm leadership of the talks last week.

Prime Minister Netanyahu has repeatedly said that he would like to go to final stages talks. The United States' strategy offered him the opportunity to do so, but those talks can commence only when we resolve the interim issues, and it is a matter of regret that he has been unable to accept what we regard as a fair and reasonable offer to settle interim issues so that we can get on with the final stages talks.

Mr. Butterfill: Will the Foreign Secretary join me in congratulating *The Times* on publishing on Saturday probably the most balanced and detailed analysis of the problems in the peace process? Will he confirm that there are genuine difficulties relating, for example, to giving up the early warning systems on the Sumerian heights, to the flight path into Tel Aviv airport and to the aquifers that supply Jerusalem, but that genuine progress was made in narrowing the gap between the parties in the discussions held in London? Does he share my optimism that all those problems can be resolved with good will on both sides?

Mr. Cook: I must confess that that article in *The Times* did not catch my eye on Saturday. Of course there are genuine problems, and nobody should take lightly Israel's

important concerns about security, but those issues are much more likely to be resolved in the context of progress in the peace process.

In response to the hon. Gentleman's points about outstanding issues, I can tell him that Britain and Europe stand willing to help to resolve the issues relating to economic progress in Gaza, particularly the airport, the industrial park and the sea port. One of the great tragedies of the peace process is that it has been accompanied by a drop of one third in Palestinians' standard of living. It is vital that we restore to the ordinary families of Gaza a belief that the peace process will bring progress to them too.

Mr. Jimmy Hood (Clydesdale): I do not share the optimism that has been voiced. Does my right hon. Friend agree that all the evidence seems to show that Prime Minister Netanyahu and President Denktash have one feature in common: neither has any intention of reaching a peace settlement?

Mr. Cook: My hon. Friend expresses a point of view. It is important for both Europe and the United States that we continue to take at their word the Government of Israel when they say that they wish to restore the peace process. After all, Mr. Netanyahu was elected on a commitment not to end the peace process but to achieve peace with security. There will be no security without peace and no peace unless we manage to get the peace process back on track.

Mr. Michael Howard (Folkestone and Hythe): As the right hon. Gentleman knows, the Israeli Government cite security concerns as their reason for refusing to withdraw from territory on the west bank. What action have the United Kingdom Government taken to reinforce the ability of the Palestinians to deal with terrorist activity emanating from their territory in association, liaison and co-operation with the Government of the state of Israel?

Mr. Cook: I am delighted to tell the right hon. and learned Gentleman that Europe and Britain have been at the forefront of working with the Palestine National Authority to enhance its capacity to deal with security. That is why when I was in Gaza we announced a permanent joint security committee, which is being supported by a British expert who has real expertise in security and intelligence matters. We are providing practical and real help to enable the Palestine National Authority to get on top of the security problem. I regret that the Government of Israel declined our invitation to join that committee. I hope that they will reconsider their decision in the future.

Lisbon Expo

5. **Mrs. Helen Brinton** (Peterborough): What plans he has to visit the Lisbon Expo; and if he will make a statement. [40494]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): My right hon. Friend the Foreign Secretary very much hopes to visit Expo 98 in Lisbon and the United Kingdom pavilion. The Expo offers us an important opportunity to highlight British achievements in ocean technology, research and management. The United Kingdom pavilion will project an innovative and creative Britain in a lively and entertaining way. I am pleased to announce that I shall visit the United Kingdom pavilion on Thursday this week, ahead of the opening of Expo 98.

Mrs. Brinton: I thank my hon. Friend for his reply. Will he ensure that, at the Lisbon Expo, the British Council encourages as many Portuguese students as possible to study at universities in this country? Is he aware that a new university is to open this year in my constituency, and we would very much welcome them?

Mr. Fatchett: The British Council will play an important role in the Expo and in Britain's display there. The British Council is an extremely important asset to Britain, not just in Portugal but in other parts of the world, as it sells British higher education, the English language and British culture in the roundest possible sense. I am sure that the university in Peterborough will be a tremendous success.

Mr. Peter Viggers (Gosport): Does the hon. Gentleman agree that Portugal is our oldest ally and a good friend—a relationship that will no doubt be reinforced by the excellent British contribution at the Lisbon Expo? That relationship subsisted during the Salazar regime. Does the hon. Gentleman agree that that demonstrates that friendship between nations is best exemplified by trade and relationships between peoples rather than by some cant about an ethical foreign policy?

Mr. Fatchett: I welcome the hon. Gentleman's opening comments. There is no doubt that Portugal and the United Kingdom are long-standing allies—indeed, Portugal is our longest-standing ally in Europe. Relationships depend upon much more than trade. In the case of Portugal, we have a range of shared democratic values that are crucial to the relationship between our two countries.

Middle East Peace Process

7. **Mrs. Louise Ellman** (Liverpool, Riverside): What consultations he has held with *(a)* Israel, *(b)* the Palestine National Authority and *(c)* Arab states concerning securing peace in the middle east. [40496]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): The Foreign Secretary and the Prime Minister met both the Israeli Prime Minister and President Arafat last week in London.

Mrs. Ellman: Does my hon. Friend welcome Israel's commitment to implementing United Nations Security Council resolution 425, which calls for Israel's withdrawal from the occupied areas of Lebanon? Does he agree that, in order to make that meaningful, both Syria and Lebanon must ensure that the civilians on Israel's northern borders do not suffer further attacks?

Mr. Fatchett: The Israeli Government have offered to accept conditionally United Nations Security Council resolution 425, which is unconditional in demanding Israel's withdrawal from southern Lebanon. My hon. Friend's point is that we must have progress on the

Syrian-Lebanese track, and it is important that we have a comprehensive peace settlement covering the whole region. That is why she is right to stress the need to build security in south Lebanon through a comprehensive agreement with both Syria and Lebanon.

Mr. Nicholas Winterton (Macclesfield): Does the Minister accept that one of the problems of bringing about peace in the middle east is the fact that not one responsible Arab leader trusts the Prime Minister of Israel, Mr. Netanyahu? Would not Mr. Netanyahu contribute towards the peace if he stopped building those odious settlements on Palestinian land, thus depriving Palestinians of their land and the ability to make a living and to live in peace?

Mr. Fatchett: We have condemned the building of settlements and any action that pre-empts the final status negotiations. The hon. Gentleman probably does his cause no good by using such strong and intemperate language. We do not choose our negotiating partners, but we must ensure that those negotiations are a success. We are looking for progress on the middle east peace process. That is in the interests of Palestinian, Israeli, Syrian and Lebanese alike, and we shall continue to work towards that just objective.

Rev. Martin Smyth (Belfast, South): Does the Minister agree that, as the Prime Minister said, although the talks last week produced no breakthrough, they did not break down? Does he further agree that neither in Oslo nor later in Hebron in 1997 were any percentages detailed for territorial redeployment? That was to be implemented by Israel; it was not to be an issue for discussion with the Palestinians.

Mr. Fatchett: As the hon. Gentleman knows intimately, the value of continuing discussion is that it can often lead to a successful outcome in negotiations. We are seeing that in Northern Ireland, and I hope that we shall also see it in the middle east. My right hon. Friend the Prime Minister helped to keep those talks going. If we can take the talks on to Washington successfully, that will be in the interests of everyone in the region.

Burma

8. **Mr. Jonathan Shaw** (Chatham and Aylesford): If he will make a statement on United Kingdom relations with Burma. [40497]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): We are deeply concerned about the political, economic and human rights situation in Burma. We are exerting pressure on the Burmese to engage in substantive dialogue with political leaders, including Aung San Suu Kyi. We have used our EU presidency to renew EU measures against Burma. We also drafted the tough resolution on Burma for the United Nations Commission on Human Rights agreed in April. We continue to provide humanitarian assistance to Burmese refugees.

Mr. Shaw: I thank my hon. Friend for that reply. Has he seen recent reports that the economic sanctions against Burma are beginning to bite? Will he ensure that Japan and other Association of South East Asian countries implement them to make sure that the international community does not open any dialogue with the Burmese junta until the junta has opened negotiations with the democratic forces in that country?

Mr. Fatchett: My hon. Friend is right to say that the only way towards progress for Burma is through a political solution that recognises democratic rights and human rights. We are encouraged by the fact that some members of ASEAN are engaging much more constructively and openly in their discussions on Burma. We see that as progress. The way in which they are using their influence on the regime in Rangoon could be a positive source for the future. We shall continue to work for a democratic Burma because, again, through the restoration of democracy and human rights, we have the best chance of moving Burma forward and making progress.

Human Rights Annual Report

9. **Ann Clwyd** (Cynon Valley): What representations he has received on his recently published annual report on human rights. [40498]

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): The report has been generally welcomed by non-governmental organisations and others. I have received no formal representations.

Ann Clwyd: On behalf of the parliamentary human rights group, may I say that we welcome the publication of the report? It is an important innovation in British foreign policy and we hope that it will stimulate discussion of such important issues in Parliament and elsewhere. Will my hon. Friend expand on the section of the report that discusses the setting up of a permanent international criminal court? Will he confirm that people such as Saddam Hussein, who are guilty of war crimes, crimes against humanity and genocide, will never escape justice?

Mr. Lloyd: I am grateful for my hon. Friend's comments on the human rights report; her welcome very much mirrors that of others. The Government are determined to make progress on the international criminal court at the Rome conference in June. We strongly believe that the crime of genocide and the other crimes against humanity committed by Saddam Hussein cannot escape that international process. We would support a proper judicial process to bring Saddam Hussein to book to show that the world is united in condemnation of the horrors that he has inflicted on his people.

Mr. Bowen Wells (Hertford and Stortford): Does the Minister agree that the human rights situation in Nigeria should have been highlighted in the report? General Abacha, the leading member of the junta, licensed five political parties to contest the coming presidential election and, lo and behold, he is the only candidate of all five political parties. Surely that is a case of democracy and human rights being denied throughout Nigeria, which should be condemned.

Mr. Lloyd: The hon. Gentleman should be in no doubt that the Government are in the forefront of those

criticising Nigeria for its continued abuse of the rights of its own people, arbitrary detentions, repression of basic freedoms and erosion of democracy. There is no doubt that the EU got it right when it said that the transition programme to democracy was now fundamentally flawed.

Ms Diane Abbott (Hackney, North and Stoke Newington): Does my hon. Friend accept that one of the basic human rights is the right to life, health and basic subsistence, and that millions of people throughout the world, particularly children, are deprived of that basic right because of the burden of international debt? Does he further accept that millions of people throughout Britain, particularly in the Churches, support the Jubilee 2000 demand for debt forgiveness to mark the millennium?

Mr. Lloyd: I well understand my hon. Friend's point. We recognise the strength of feeling in Britain which that campaign demonstrates. The United Kingdom believes that, globally, individuals have the right to development. For example, negotiations on the right to development at the Commission on Human Rights were enhanced by the United Kingdom's presidency of the EU. We strongly believe that we can make progress internationally and that Britain is playing a moral role at home.

Dr. Jenny Tonge (Richmond Park): Britain is still training military personnel from Indonesia and sending arms to that country, which is not famous for respecting human rights. When will the Government start practising what they preach?

Mr. Lloyd: The Government certainly do practise what they preach, in remarkable and stark contrast to the previous Government. The same export licence criteria apply to the Indonesian Government as to any other country. My right hon. Friend the Foreign Secretary announced a change to the former United Kingdom military training and assistance scheme when he introduced ASSIST, which places an emphasis on human rights training and respect for civilian and democratic government. That is the direction in which this Government are going; that is not the direction in which the previous Government sought to go.

Mrs. Margaret Ewing (Moray): All hon. Members support the concept of human rights. Surely one of the major challenges facing us is the need to support those who work in difficult circumstances in many parts of the world to achieve basic human rights. Will the Minister, therefore, tell us whether he has any information about the fate of the president of the Turkish human rights association who, I understand, was shot six times today in his office and whose condition is critical?

Mr. Lloyd: I cannot help the hon. Lady with the specific details because I do not know them. The House and the world will view that development with alarm and concern. It is incumbent on the Turkish authorities to discover who committed the crime and to ensure that they are brought to justice.

Mr. Ernie Ross (Dundee, West): May I thank my hon. Friend for the publication of the first human rights report in the 19 years that I have been a Member of Parliament, which is a welcome change in respect of the Foreign Office? The Foreign Affairs Select Committee has investigated human rights, and everyone who gave evidence welcomed the fact that we should have an annual report and be able to discuss with the Foreign Office how we could improve this country's ethical foreign and human rights policy.

Mr. Lloyd: A primary purpose of the report is to bring new openness to the way in which the Government conduct their affairs in respect of human rights. It is a matter of recorded fact that Conservative Members have made no pressure for that sort of openness and a matter of practical fact that, for the most part, they have never engaged in debate on human rights. My hon. Friend represents the body of opinion that wants proper and credible debate on the issue, and wants to make sure that the British Government can hold their head up in the world, as the present Government can on those issues.

Israel

10. **Mr. Stephen Day** (Cheadle): If he will make a statement on the United Kingdom's relations with the Government of Israel. [40500]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): We enjoy excellent relations with Israel.

Mr. Day: Can the Minister assure the House that the traditionally excellent relationship between the United Kingdom and the state of Israel has been repaired following the disastrous consequences of the Foreign Secretary's visit to Israel recently?

Mr. Fatchett: During the lifetime of the Government, we have enjoyed an excellent relationship with the state of Israel and we shall continue to do so.

Mr. Roger Stott (Wigan): I regret to admonish my hon. Friend, but I hope that he will reconsider his remarks to the hon. Member for Macclesfield (Mr. Winterton), who asked about settlements and the Israeli Government's position. The hon. Gentleman represented the view of the House of Commons. Will my hon. Friend reconsider his words about intransigence? Most hon. Members believe as the hon. Gentleman believes.

Mr. Fatchett: There is no difference between my position, that of my hon. Friend and, indeed, that of the hon. Member for Macclesfield (Mr. Winterton). There is no question about the Government's policy: we have said constantly that we oppose the building of settlements and that we will take no steps that would pre-empt the final status negotiations. I said to the hon. Gentleman that we do not have the right to choose the parties with whom we negotiate. We have to negotiate with them, whatever we may think of them in personal terms. We have to make the best of the process and of the negotiations, because, as my hon. Friend knows, the only way in which to make progress is through a satisfactory solution. That will come through negotiation and diplomatic activity.

EU (Subsidiarity)

12. **Mr. John Bercow** (Buckingham): If he will make a statement on progress in respect of subsidiarity within the European Union. [40502]

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): Since Maastricht, subsidiarity has been important in ensuring that the Community acts only where results can be achieved better by action at European level. The subsidiarity protocol of the Amsterdam treaty, for the first time, sets out in the treaty the procedures that should be used in applying the principles of subsidiarity and proportionality to European Union legislation.

Mr. Bercow: Is the right hon. Gentleman aware from his close reading of the text that the subsidiarity protocol of the Amsterdam treaty requires the maintenance, in full, of the acquis communautaire and the institutional balance? Given that he has accepted that pitiful state of affairs, does he expect a single European Union power to be repatriated to the United Kingdom in the lifetime of this Parliament, or has he thrown in the towel and once again let down the people of Britain?

Mr. Cook: I am aware that those words are in the protocol. They are in the protocol because they are the words that the Conservative Government accepted at Maastricht. For once, the hon. Gentleman is unfair to the previous Administration. As a result of the negotiations at Maastricht, 12 different regulations were dropped and fewer regulations have been introduced in every year since then. It would have been nice if the Conservative party when in government had applied subsidiarity in practice. It is this Government who are now implementing subsidiarity, not just between us and Brussels, but between London, Whitehall and Scotland, London and Wales, and London and the rest of Britain.

Mr. Bercow: On a point of order, Madam Speaker.

Madam Speaker: I do not take points of order during questions. If the hon. Gentleman wants an Adjournment debate, he should know how to deal with that.

Mr. Bill Rammell (Harlow): Does the Secretary of State agree that the Amsterdam treaty specifically enshrines the principle of subsidiarity for the first time, and forces on the European Commission a duty to consult widely and to justify action at a European as opposed to a national level? We need such progress in Europe, rather than the incessant criticism that we get from the Conservative party, which makes none of those points and constantly attempts to obscure the truth.

Mr. Cook: My hon. Friend is absolutely right. The protocol makes it clear that for Community legislation now to be proposed, it must be shown that matters can be achieved better at Community level than at national level. It must also be shown that such legislation will produce clear benefits that could not be secured at national level. That is now written into the treaty for the first time. It is something that the Conservative Government did not achieve at Maastricht, and it is a clear advance for the principle of subsidiarity.

Mr. Michael Howard (Folkestone and Hythe): Will the Foreign Secretary reconsider his answer to my hon. Friend the Member for Buckingham (Mr. Bercow) about whether the preservation of the acquis was in the Maastricht treaty as opposed to the Amsterdam treaty? Does he accept that his answer to my hon. Friend was entirely incorrect? I fear that that is another example of the right hon. Gentleman not reading the material that is put before him.

Mr. Cook: I am happy to tell the right hon. and learned Gentleman that what I said was entirely consistent with what I was told two hours ago. Conservative Members complain that we are not briefed, and then they complain when we are briefed. Those are, indeed, the words that were accepted by the previous Government at Maastricht, so it is a bit rich for the right hon. and learned Gentleman to complain to us now.

Kosovo

13. **Mr. Ben Bradshaw** (Exeter): If he will make a statement on the situation in Kosovo. [40504]

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): The situation in Kosovo continues to be a matter of deepening concern. Fatalities in Kosovo are now an almost daily occurrence, and the authorities in Belgrade must accept major responsibility for the failure to start a political process, which is vital if we are to stop the violence.

Last Friday, at the meeting of the G8 Foreign Ministers, it was agreed by those present that we should proceed to impose the investment ban recommended by the last meeting of the contact group. During our presidency of the European Union, I have repeatedly made it clear to Belgrade that we want a closer working relationship with the Federal Republic of Yugoslavia. There could, however, be no question of us accepting the Federal Republic as part of the family of modern Europe unless Belgrade stops its present repression and starts to respect the principles of human rights.

Mr. Bradshaw: Given my right hon. Friend's extremely worrying reply, will he assure the House that he will use his presidency to do all he can to implement the decision to send a mediator to Kosovo? Does he agree that it would be wrong for Europe to sit back and wait for the Americans to take the lead? We would be making exactly the same mistake as we made in Bosnia, with knobs on.

Mr. Cook: There can be no question of Europe sitting back and allowing America to take the lead. I hope that Richard Holbrooke's current mission in Belgrade is a success. On the question of a facilitator, I have recently written to President Milosevic urging him to accept the role for Felipe Gonzalez. We shall continue to press on him Mr. Gonzalez's role as special representative of the European Union and of the Organisation for Security and Co-operation in Europe. In the meantime, although Belgrade refuses to accept outside facilitation, it is important for us to maintain the pressure, which is why we agreed to the ban on new investment within the Federal Republic.

Mr. Gary Streeter (South-West Devon): Is the Foreign Secretary now able to tell us more than he was able to tell

the House on 30 April in response to questions by my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard), first, about the extent and effectiveness of the monitors who were deployed by the European monitoring mission within Kosovo and secondly, whether any further action has been considered or taken to strengthen the UN forces that are stationed on the Kosovo-Macedonia border? Can he reassure the House that he is receiving and reading comprehensive and up-to-date briefings from his officials on this situation, so that he can take timely and well-informed decisions on matters which, after all, affect the lives of many people?

Mr. Cook: The hon. Gentleman asks about the European Union monitors. Five such monitors are currently attached to the Federal Republic of Yugoslavia. As much as possible, they have given continuous provision within Kosovo, and their monitoring reports have been well received by the international community and have kept us up to date. Yes, I should like to see more monitors there, but to achieve that, we should have to get an agreement from Belgrade, and at present, such agreement has not been forthcoming. The provision of UNPREDEP, the UN preventive deployment force, on the Macedonian border is a clear commitment, and we have repeatedly confirmed to the contact group that there will be an extension of the mandate. Quite what the balance of forces will be—whether it will be a UN or a NATO force—remains under negotiation. However, for the first time, we shall be holding a partnership for peace exercise in Macedonia this autumn in which British troops will participate.

Israel

15. **Mr. Ivan Lewis** (Bury, South): If he will make a statement on the Prime Minister's recent visit to Israel and the progress of the subsequent talks. [40506]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): My right hon. Friend the Prime Minister had a successful visit to Israel on 19 to 21 April. As a result of his meetings with regional leaders, the United Kingdom was able to facilitate the talks on the peace process, which were held in London on 3 to 5 May.

Mr. Lewis: Notwithstanding the virtue or otherwise of regularly winning the Eurovision song contest or the short-term difficulties that currently face the peace process, will my hon. Friend take this opportunity to pay tribute to the state of Israel on its 50th anniversary for its economic and social progress, and for the fact that it remains the only democracy in the middle east?

Mr. Fatchett: I am happy to pay tribute to the successes of the state of Israel to which my hon. Friend refers. The best birthday present for the people and the state of Israel would be a comprehensive and lasting peace for the region. I hope that all political leaders in Israel and in the region share that common goal and will work towards that objective.

Dr. Julian Lewis (New Forest, East): As it took a visit by the Prime Minister to the middle east and Israel to clear up the mess that was left behind after the Foreign Secretary's visit, does the Foreign Office have any plans for the Prime Minister to follow the Foreign Secretary on his forthcoming visit to Turkey as well?

Mr. Fatchett: As the hon. Gentleman says, the visit by my right hon. Friend the Prime Minister was extremely successful. It succeeded in bringing the parties together in London, and I should have thought that the hon. Gentleman would be satisfied with that result. Instead of smirking, it is about time that he invested something in the peace process, which is a great deal more important.

Manufacturing Exports

19. **Mr. Barry Jones** (Alyn and Deeside): If he will make a statement on the means by which his Department assists UK manufacturing industry's exports. [40510]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): On 25 March I, together with colleagues from the Department of Trade and Industry, launched a new package of measures that is based on the recommendations of the export forum to help exporters. We have also launched the ambassadors for British business scheme and a programme of short-term attachments of business people to our overseas posts. Those projects are helping to make the Foreign Office more businesslike and to focus on the needs of our customers. The new schemes are in addition to the wide range of assistance that is provided to British companies by our global network of 217 commercial posts in 140 markets.

Mr. Jones: I am grateful to my hon. Friend for that comprehensive reply. Will he please continue to use the full resources of his Department to assist the British aerospace industry abroad?

Mr. Fatchett: I am happy to give that commitment to my hon. Friend. He has been a true champion of the industry during his years in the House of Commons, and his constituents know the valuable role that he has played in that respect. That is why his majority has increased at every successive election.

Mr. Jonathan Sayeed (Mid-Bedfordshire): The Minister will be aware that General Motors was thinking of withdrawing its investment from Vauxhall in Luton. Is he aware that Vauxhall cited as one of the reasons the high value of the pound?

Mr. Fatchett: The hon. Gentleman establishes his question on a false assumption and hypothesis, so I will not answer it. Vauxhall is still with us. We look forward to it staying with us because it is an important inward investor in Britain and has a good reputation.

Mr. Barry Sheerman (Huddersfield): Will my hon. Friend ensure not just that resources are moved around in our efforts to increase British exports, including British manufacturing exports, but that there is a real percentage increase in the resources that are devoted to that important task? Does he agree that if British Airways flew throughout the world using not only Boeing jets powered

by Rolls-Royce engines, but the airbus, which has a larger percentage of British-manufactured components, we should have a good ambassador for British products?

Mr. Fatchett: The export forum report recommended that we should concentrate our additional resources for export promotion on a number of priority markets. We aim to do that, and to ensure we have a more driven commercial response to the needs of those particular markets and the companies that operate in them, so my hon. Friend can be assured that additional resources, as and when they become available, will be used in that way. He is right, of course, to talk about the successes of the British aerospace industry. Rolls-Royce and the airbus are fine examples of British technology and British engineering.

Defence Staff Attachments

20. **Mr. Nicholas Soames** (Mid-Sussex): What discussions he has had with the Secretary of State for Defence on the attachment of Ministry of Defence staff to embassies. [40511]

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): My right hon. Friend the Foreign Secretary has not discussed that matter directly with my right hon. Friend the Secretary of State for Defence, but our two Departments remain in close contact on all aspects of such attachments.

Mr. Soames: In the past few weeks, hon. Members will have seen the importance of steady, sensible military advice to the Foreign Office. Does the hon. Gentleman agree that it is important that more officials from the Foreign Office do attachments to departments in the Ministry of Defence, and that more service men and women in the MOD go to the Foreign Office? Does he agree that that is one of the most important ways in which to encourage the vital understanding that should exist between those two Departments and that, although there are some moves to that end, there should be many more?

Mr. Lloyd: There is no doubt about the valuable role that service attachés play throughout the world. The co-ordination between the two Departments responsible—the Foreign Office and the Ministry of Defence—is close because they both recognise that that is important. In the context of the hon. Gentleman's original, perhaps less charitable, point, I thought that he might have taken the opportunity to congratulate the defence adviser who was based in Accra, but attached non-residentially to Sierra Leone, who was decorated for his valiant service at the time of the evacuation of British people and others whom Britain helped. That would have been a fitting tribute to that important role and perhaps more fitting to the tone of the later question.

Algeria

23. **Mr. Andy King** (Rugby and Kenilworth): If he will make a statement on UK relations with Algeria. [40514]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): The UK maintains a broad-based dialogue with Algeria, at both political and senior official levels. We remain deeply concerned about the continuing violence there and believe that dialogue offers the best chance of contributing to an improvement in the situation. As we hold the presidency of the European Union, we co-ordinate our position on Algeria with our partners, who share our commitment to dialogue. As part of that process, earlier this year, I led an EU mission to Algeria.

Mr. King: I thank my hon. Friend for that reply. Does he agree that the price of victory and the power struggle in Algeria is being paid for with the bodies of innocent women and children?

Mr. Fatchett: I am sure that every hon. Member shares the view, expressed by my hon. Friend, that every loss of life is one too many. Algeria has suffered great human loss in the past few months and years, and we need to ensure that it is brought to an end. If the United Kingdom and the European Union can contribute to the political dialogue to achieve that objective, we shall do so.

We should also like there to be, internally, much greater openness, transparency and respect for human rights in Algeria, which is why both the European Union and the United Kingdom have been trying to persuade the Algerian Government that there is a need for the Algerians to invite in United Nations special rapporteurs. I am sure that it would be in the interests of us all, including the Algerians, to ensure that there is such openness, and that we have a full record of what happens internally within Algeria.

Turkey

25. **Mr. Ben Chapman** (Wirral, South): What assessment he has made of the progress of the Turkish economy in recent years and its attractiveness to UK investors and exporters. [40516]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): In recent years, Turkey has become a key market for British companies. In 1997, two-way trade between the United Kingdom and Turkey reached a new record of £2.8 billion. British exports to Turkey alone amounted to £1.76 billion, which was an increase of 13 per cent. on 1996. However, there is still potential to increase bilateral trade further. To that end, on 25 June, my noble Friend the Minister for Trade, Lord Clinton-Davis, will launch a target market campaign to promote the opportunities that the Turkish market offers.

Mr. Chapman: I thank my hon. Friend for that answer. Is he aware that the Turkish CBI and—during its recent visit—the Anglo-Turkish Business Council have confirmed that the investment climate for British firms in Turkey is increasingly attractive? Does he also agree that trade and investment are but one part of an important bilateral relationship, and that the value of that relationship is such that it makes the Luxembourg decision look ever more disappointing?

Mr. Fatchett: We seek a full and rounded relationship with Turkey, involving both trade and a political dialogue. As part of building that relationship, we have made it clear that we should like Turkey to be engaged in the European process and involved in future discussions on European Union enlargement.

Sierra Leone

3.31 pm

Mr. Michael Howard (Folkestone and Hythe) (*by private notice*): To ask the Secretary of State for Foreign and Commonwealth Affairs whether he will make a statement on the supply of armaments to Sierra Leone in the light of the Prime Minister's statements on the outcome of events there.

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): As I reminded the House last week, President Kabbah, the democratically elected leader of Sierra Leone, was deposed in a military coup in 1997. Britain continued to recognise President Kabbah as the legitimate Head of Government of Sierra Leone, and Britain played a leading part at the United Nations in drafting the Security Council resolution calling for the peaceful restoration of constitutional government.

The peaceful restoration of President Kabbah remained the sole policy of Her Majesty's Government. *[Interruption.]* My right hon. Friend the Prime Minister demonstrated our continuing support for President Kabbah by inviting him to attend the Commonwealth Heads of Government meeting in October—*[Interruption.]*

Madam Speaker: Order. If hon. Members are not interested in hearing the statement, there are other areas of the House to accommodate them.

Mr. Cook: I appointed John Flynn to act as special representative on Sierra Leone, to co-ordinate international support for the restoration of the elected Government.

Earlier this year, President Kabbah was restored to power. As I said on Sunday, that was a positive outcome and represented the restoration of the legitimate and democratic Government, in place of a military regime. The outcome has certainly been welcomed as positive by the people of Sierra Leone, who were freed from a brutal and savage military regime. As the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Manchester, Central (Mr. Lloyd), saw when he himself visited Sierra Leone, it was a regime which punished those who opposed it by taking off their arms and their legs.

President Kabbah yesterday wrote to my right hon. Friend the Prime Minister, acknowledging this Government's position in supporting his democratically elected Government, and expressing his profound gratitude to this Government for their "principled and ethical position". My right hon. Friend was therefore absolutely right yesterday to draw attention to the fact that, in Sierra Leone, the legitimate and elected Government have been restored to power and a brutal military regime has been thrown out. Sierra Leone is no Iraq. In Iraq, a brutal dictator is still in power and still producing artillery shells on machine tools that were exported to him with the full connivance of the Conservative party.

My right hon. Friend the Prime Minister also said yesterday:

"nobody should be involved deliberately in breaking a UN arms embargo".

As a permanent member of the Security Council, the United Kingdom has a special responsibility to uphold UN resolutions. If we condone a breach of one resolution, we undermine the authority of other resolutions, such as those requiring Iraq to abandon its programmes of weapons of mass destruction.

We have therefore taken seriously the allegations that there may have been a breach of the arms embargo on Sierra Leone by a British firm. That is why the Foreign Office took the initiative in referring those allegations to Customs and Excise. The Foreign Office is fully and openly co-operating with that investigation. We want the public to know the truth—*[Interruption.]* Oh, yes; we want the truth—Conservative Members will not like it when they get the truth—and that is why I have ordered an investigation to commence as soon as Customs and Excise will agree, in order to bring all the facts out into the open.

As I said in the House last week, I am constrained as to how much I can say during the customs investigation, but I cannot allow wild allegations to continue to be made against the Foreign Office and its officials—[HON. MEMBERS: "You!"]—or to be recycled as proven fact by the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) and his colleagues. I therefore say to the House that, in all the papers on this affair, I have found no evidence that officials in the Africa department were involved in any kind of conspiracy with Sandline or gave any prior approval to a breach of the arms embargo. The investigation that I have ordered will establish the truth, but in the meantime, I have more faith in my officials than I have in Sandline.

I note that the right hon. and learned Member for Folkestone and Hythe said in a letter to me that he is astonished that I did not clear my diary before Sunday. Perhaps I should remind him that, on Friday and Saturday, I hosted the meeting of G8 Foreign Ministers in which we co-ordinated our positions on Kosovo, the middle east, nuclear proliferation and many other issues. It is a remarkable testimony to the way in which the right hon. and learned Gentleman has got this issue out of all proportion that he imagines that Foreign Ministers of the seven largest economies in the world would be entirely understanding if I cleared them from my diary in order to answer his increasingly repetitive questions.

I urge the right hon. and learned Gentleman to stop talking of allegations against Foreign Office officials as if they were proven fact, and to wait for the full, considered report that the Government have promised—in stark contrast to the repeated cover-ups of the Government of which he was a member.

Mr. Howard: What I said to the right hon. Gentleman in my letter was that it was astonishing that he had not briefed himself fully on these events before Sunday. It is not surprising that, in his loneliness on the Front Bench, with no Cabinet colleague to support him apart from the Leader of the House, he should prefer to talk about Iraq rather than about Sierra Leone.

Is the Foreign Secretary aware that the Government's position on Sierra Leone is increasingly looking like a shambles? What he described as "very serious" last Wednesday became nothing more than an "overblown hoo-hah" yesterday. Does the right hon. Gentleman agree that the Prime Minister's intervention yesterday makes a laughing stock of him, and a complete mockery of any pretensions he may have to an ethical foreign policy? Will he confirm what he told the House last week—that there

was no Government policy or UN support for military intervention to restore President Kabbah, and that the Government and the UN wanted him restored through diplomatic negotiations, not military intervention?

Will the right hon. Gentleman now answer the specific questions about his knowledge of these events which I sent him earlier today? What instructions did he give his private office to bring information to his attention? When was his private office informed of the involvement of Sandline International in operations in Sierra Leone, of plans for military intervention and of the Customs and Excise investigation? When did he himself first know of these matters?

Will the right hon. Gentleman comment on the position of the Minister of State? Can he confirm the report in *The Sunday Times* on 10 May that the searches carried out by Customs and Excise on the offices of Sandline International and the former house of Lieutenant-Colonel Spicer were delayed at the request of the private office of the Minister of State? Can he confirm that the reason for that request was so that the Minister of State could be briefed before the searches were carried out? Can he confirm that the Minister of State was, in fact, briefed before the search was carried out?

Will the right hon. Gentleman assure the House that, in the search for truth—about which he was so eloquent a few moments ago—the independent inquiry he has promised will be carried out by a judge and will take place in public, so that all the evidence can be reported, and so that there can be no question of a cover-up or a whitewash? Finally, is not the bottom line this: if, as is alleged, the Foreign Office knew of Sandline's involvement as early as December, but neither the right hon. Gentleman nor his Ministers knew of it until the end of April, does that not suggest that the Foreign and Commonwealth Office is wholly out of ministerial control, and that the right hon. Gentleman is utterly failing to discharge the duties he is paid to carry out?

Mr. Cook: The right hon. and learned Gentleman has again recycled the wild allegations I see in the press. [HON. MEMBERS: "Answer."] I will answer the right hon. and learned Gentleman, because the answers should be heard. There was no request to Customs and Excise from the private office of the Minister of State. I am bound to say that I would regard it as wholly improper if Customs and Excise were to hold up an investigation at a ministerial request. That is precisely why we have repeatedly made it clear that we will not do anything to prejudice that investigation. The right hon. and learned Gentleman owes my hon. Friend the Minister of State an apology for recycling that allegation.

On the question of knowledge, the right hon. and learned Gentleman has asked me seven different questions in writing about when I knew. I will answer. The first document that I saw about a breach of the arms embargo—[HON. MEMBERS: "Saw?"] Well, we will come back to that in a moment.

Madam Speaker: Order. I have had enough from some Opposition Back Benchers. The Foreign Secretary will be allowed silence in which to answer.

Mr. Cook: Thank you, Madam Speaker.

The first document that I received on any breach of the arms embargo or a shipment of arms was on 28 April, when I saw the letter. Since the right hon. and learned Gentleman asked the same question in multiple different ways, I have to say to him that the reason I say that is that no other paper on the matter had been put in a red box for me, a file for me, a folder for me, on top of my desk or on any other part of office furniture he cares to name.

Since the right hon. and learned Gentleman has raised in the House whether there were any changed instructions on what should go in the red box, let me say that the only instruction we have been able to trace is an instruction from my private secretary which confirms to the Foreign Office:

"The Secretary of State welcomes a fair amount of detail in the background note."

I am receiving full briefing from the Foreign Office. I strongly resent the suggestion that there has been any briefing on the matter that has not been read by me or by the Minister of State.

It is a bit rich for the House to be lectured on the proper management of a Department of State by the right hon. and learned Gentleman, who made an art form out of the distinction between policy and operational matters, and who lost 13 court cases because he refused to listen to officials.

Mr. Donald Anderson (Swansea, East): Would not the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) and his former Cabinet colleagues be a little more credible if they came to this matter with clean hands? Should not he, as a lawyer, know that a fundamental principle of the law is to hear both sides—certainly not to pour scorn on officials, who cannot answer for themselves at this time?

Will my right hon. Friend take on board at least the concern that there is a real danger of excessive delay? As he well knows, prosecuting authorities, such as customs, can take an inordinate time. The Foreign Office investigation, which is very welcome, may not start until the customs investigation is near its end, so there could be a sub judice problem if prosecutions are recommended. Will he say when he expects the customs investigation to conclude, and decisions on prosecutions to be made?

Mr. Cook: It would be deeply improper for me to say to the House when customs will conclude an investigation. The important public policy issue, which will be of concern to both sides of the House, is that customs should complete the investigation thoroughly and assess clearly and fairly whether there is a case to answer—it would be wrong if that process were to be hurried because of any political consideration.

I assure the House that we intend to proceed to that investigation, which will be conducted by someone from outside the Foreign Office, the moment we receive the clearance from customs. I also assure my hon. Friend that we are determined that that investigation—which is for us to set up—will be established and carried out quickly, with a full report to the House as soon as possible.

That is important to the officials who have been repeatedly maligned in the press over the past few days. *[Interruption.]* No, I say to Opposition Members who are shouting that, as I repeatedly said in the House last Wednesday and have said every day over the weekend, what they read in the papers are allegations by Sandline's lawyers. I understand what Sandline's lawyers are doing:

[Mr. Cook]

they are doing their job, which is to put the best possible colour on their client's case. That does not make their allegations true. From the papers that I have seen while Sandline has been peddling its allegations, I can say that many of them will turn out not to be true.

Mr. Mike Hancock (Portsmouth, South): I am delighted, as I am sure my colleagues are, that the investigation will take place. However, we take the view, which I hope the Secretary of State will share, that the investigation should take place now, irrespective of the time the customs investigation takes, as the two are trying to discover two different things. I am sure that he would agree that it is in the best interests of the nation and the House that, so that the issue is not continually clouded and murky, the investigation that he has instigated should take place immediately, and, if necessary, run in tandem with the customs investigation. Anything short of that will be recognised as prevarication, and will not be reconcilable with the Government's ambition for open government.

The right hon. Gentleman says that no Minister in his Department had any involvement prior to his being told of the matter. Will he confirm this afternoon that that applies to the whole Cabinet, including the Prime Minister? Will he also say who approved the use of HMS Cornwall as part of the Sandline operation?

Mr. Cook: I have no personal interest in delaying the start of the investigation: on the contrary, I would welcome its starting as soon as possible. I cannot act as the hon. Gentleman suggests, precisely because many of those who would give evidence to the investigation are giving evidence to the present customs investigation, so it is impossible to launch the second without cutting across the first. I do not believe that the House would want me to take any step that would prejudice an investigation that may or may not lead to criminal charges.

The statements that I have made about no ministerial approval, contact or discussion apply across the Government, and not only in the Foreign Office.

I understand that the hon. Gentleman made his point about HMS Cornwall in good faith, but the House must understand that that is another of the allegations from Sandline's lawyers.

Mr. Hancock: What about the photograph?

Mr. Cook: I shall come back to the photograph in one minute.

The reality is that HMS Cornwall docked in Sierra Leone on 1 March, after most of the fighting was over and the military junta had been removed. It did not go there to take part in any Sandline activity. Indeed, President Kabbah himself, in his letter to the Prime Minister, said:

"I assure you most emphatically that at no time did my Government utilise mercenaries provided by Sandline."

HMS Cornwall went there to provide humanitarian relief, and it did a fantastic job, of which the House should be proud. To carry out that emergency supply up country, it had of course to fly its helicopter, and, as we would all expect its captain to be prudent about the lives of his service men, it had to have consultations with the local west African forces about where it was safe to fly. That is why the colonel of those west African forces—not a Sandline mercenary—repeatedly flew in that helicopter to the dock beside the ship.

The helicopter was on contract from Sandline, but that does not mean that HMS Cornwall was assisting Sandline in any mercenary activity; on the contrary, it shows that, in this case, the west African forces were helping Britain with humanitarian relief of which we should be proud, not ashamed.

Mr. David Winnick (Walsall, North): The House is entitled to a full explanation, and we look forward to the inquiry, but should we not be grateful that, in one instance in Africa, an elected Government who were overthrown have been restored to office? Surely that is right and proper.

Does my right hon. Friend consider it appropriate to be lectured by Conservative Members who, right up to the very day of the Falklands invasion, actively encouraged the sale of arms to the junta in Argentina, as confirmed in a parliamentary answer that I received on 20 April 1982? We hear talk of hypocrisy, but what greater hypocrisy could there be than to be lectured on arms dealing by Conservative Members?

Mr. Cook: My hon. Friend makes his own point. There is a parallel that is even nearer to us in time: the way in which Ministers in the previous Government decided in secret to relax restrictions on the sale of arms to Saddam Hussein. The moment they were found out, they established an elaborate cover-up and, rather than admitting what they had done, were willing to see innocent people go to prison.

Mr. Douglas Hogg (Sleaford and North Hykeham): Does the Foreign Secretary accept that those of us who worked for many years—four and a half, in my case—as Ministers in the Foreign Office know full well that officials are meticulous in keeping written records of their dealings, and that they ensure that their superiors, both official and ministerial, are kept fully informed in writing?

Were the following documents, or classes of document, received in any ministerial private office, and, if so, were they made available to Ministers: the reporting telegrams from Sierra Leone or any adjoining African country regarding Sandline's involvement in the coup; any documents regarding the Customs and Excise investigation into the Foreign Office; the correspondence with Lord Avebury; the record of meetings between Foreign Office officials and Sandline; and intelligence reports—that is, reports from Government communications headquarters or the Secret Intelligence Service—regarding Sandline's involvement?

Mr. Cook: The right hon. and learned Gentleman has asked a series of highly detailed questions. I accept that they are perfectly proper, but they require full and considered investigation. As general guidance, however, let me say, first, that it would be quite improper if we were passed papers from Customs and Excise, which is not our ministerial responsibility. As we referred the investigation to Customs and Excise, and have fully and openly co-operated with it, I would not expect such papers

to be passed to me, for approval or otherwise. Secondly, the Avebury letter was addressed not to a Minister, but to an official, who replied to it. It was not sent up to Ministers until we subsequently received it from Sandline's lawyers.

As for intelligence, the right hon. and learned Gentleman will understand that there are limits to how far I can go; but, as he raises the point, and as someone has—without, I believe, regard to due process—released something to *The Times*, the House is entitled to know that at no stage over the past months was any intelligence passed to Ministers or officials that suggested a breach of the arms embargo.

Ms Diane Abbott (Hackney, North and Stoke Newington): Does the Foreign Secretary agree that no Labour Member needs lectures in ethics from the Tories?

The Foreign Secretary will be aware that the Foreign Affairs Select Committee, of which I am a member, met this morning, and agreed to ask the Minister of State for a memorandum detailing exactly how he misled the Committee last Tuesday. We also agreed to ask the Foreign Office for copies of all telegrams between the Foreign Office and Sierra Leone since this affair began. Does the Foreign Secretary agree that there are issues of substance here, as it can be no part of an ethical foreign policy to connive at the use of mercenaries and gun runners and the types of strategy that have subjected Africa to so much misery down the years?

Mr. Cook: Let me remind my hon. Friend what I said just now when I read the letter from President Kabbah. If anyone is in a position to know whether Sandline was active in Sierra Leone on his behalf, it is President Kabbah himself, and he made it quite clear that there was no mercenary involvement in the restoration of his Government.

My hon. Friend the Minister of State himself established that he had not given full information to the Select Committee. It was he who drew that to my attention, and it was he who requested me to include that passage in my statement to the House last week. He did so, and was right to do so, precisely because he wanted the record put right at the first available opportunity. He will, of course, respond with the full memorandum to which my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) referred.

In respect of the request for telegrams, I must say that they are restricted in circulation. I fully understand what prompted my hon. Friend to ask her question, but, if we worked on the principle that telegrams might subsequently be published, we would receive much less information than we do at present—*[Interruption.]* Any hon. Member who has served in the Foreign Office, or seen the telegrams, will fully understand why they contain matter that might be embarrassing to Her Majesty's Government or others if it were made publicly available.

I can assure the Select Committee that we will give it the fullest possible co-operation. I look forward to discussing with it the report of the investigation, once it has been held.

Mr. Peter Brooke (Cities of London and Westminster): Why did the Minister of State not verify in the middle of April whether the Foreign Secretary knew what was happening?

Mr. Cook: The Minister of State saw a number of papers—three or four—all of which indicated that a customs inquiry was proceeding, and said with robust confidence that there had been no official approval of Sandline's activities. There was therefore no ground for apprehension or concern on the part of the Minister of State. It was not until the lawyers' letter of 24 April that either of us was fully aware of the allegations being made by Sandline. I am confident that, with the passage of time and investigation, those allegations will be seen to be quite different from what actually happened.

Mr. Ted Rowlands (Merthyr Tydfil and Rhymney): My right hon. Friend referred several times to reviewing the papers. From his review, has he satisfied himself at least that no official gave any encouragement to Sandline's activities?

Mr. Cook: First, it is indeed the case that Sandline, before President Kabbah was deposed in the original coup, was a company—*[Interruption.]*—if the hon. Gentleman will allow me—it was a company which had extensive interests in Sierra Leone. It was indeed known among officials that Sandline had a continuing relationship with President Kabbah, and had an interest in Sierra Leone. After all, a sister company is managing the diamond mines there. It is a big player in that context in Sierra Leone. I see nothing improper in officials having dialogue with it.

In answer to my hon. Friend's question, having looked through the papers in front of me, I give a quite firm and categorical answer. No official in the Africa department did anything to condone or encourage any breach of the arms embargo.

Sir Teddy Taylor (Rochford and Southend, East): Is a record kept of the alleged meetings between officials of the Foreign Secretary's Department and other Departments and the arms exporters? Will the public be told what those meetings were about? Does the Secretary of State agree that it would be a worry if officials had such discussions about exports without telling him? Does he accept that this is not the first occasion on which the Foreign Office has had discussions about the export of arms to other countries in breach of sanctions, and has covered itself by giving a warning letter that on no account must it be done?

Mr. Cook: Of course, if there were meetings of officials of the Foreign Office and officials of other Ministries, there would be records of those meetings. That is in the nature of the civil service. If there are such records, they can become part of the investigation, but I have to disabuse the hon. Gentleman of his line of inquiry.

The fact is that no licence was given for export of arms to Sierra Leone by Sandline or by anybody else. I therefore at the present time do not know, and have never heard of, a meeting to discuss an application for an export of arms by Sandline to Sierra Leone or anyone else; quite the reverse. Far from the implication of the hon. Member's question, the evidence that I have in front of me suggests that officials at no stage condoned or encouraged the export of arms to Sierra Leone.

Mr. Dennis Skinner (Bolsover): Is my right hon. Friend aware that, notwithstanding all his protestations in defence of his officials at the Foreign Office, some of us, especially me, cynic though I may be, do not accept,

[Mr. Dennis Skinner]

and never will, that, in the course of what I described last week as the Opposition trying to make a seven-course dinner of a pan of boiling water, some of the high-flying diplomats challenged by him when he assumed office, having worked for the tawdry Government who are now in opposition, did not take it upon themselves to take action to undermine him and anyone else? I happen to believe that. It has happened in the past.

Fortunately, my right hon. Friend was able today to show that he is a master of his brief, as he did when he read the Scott report in three hours a few years ago and flattened the Government of the day. That is unlike the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), the "man of the night", as he was aptly described by the right hon. Member for Maidstone and the Weald (Miss Widdecombe). My right hon. Friend today gave him enough rope, and he has hung himself.

Mr. Cook: My hon. Friend's remarks on the officials of the Foreign Office were noted in the Foreign Office, not to universal approbation. While I entirely understand his point, I have never at any stage while I have been Secretary of State detected resistance to a policy, or any act of conspiracy against it, at any level within the Foreign Office. I think that officials have been treated unfairly over the past weekend. [HON. MEMBERS: "By you."] No, not by me. I have never at any stage recycled the allegations as proven fact. I have repeatedly said that they were allegations that should be taken seriously, but, in fairness to those officials, I do think that the Opposition should stop rushing to judgment, and await the forthcoming full and considered investigation.

Sir Peter Emery (East Devon): Does the right hon. Gentleman accept that it is most unusual for the Foreign Office to ask for an inquiry by Customs and Excise, a Department that does not report to him; that to ask for such an inquiry to be made without the instruction of a Minister is nearly beyond belief; and that then to suggest that the inquiry will not be referred to a Minister until six weeks later seems even more a matter of imagination? Does he actually suggest that the inquiry would not and should not have been referred to a Minister before it was instituted?

Mr. Cook: I said to the House last week that I do think that the Minister of State, when he was coming to address a debate in the House on 12 March, should have been informed of the inquiry, and I do not resile from what I said then. However, I depart from the right hon. Member on his central thesis. Customs is the statutory body responsible for investigating breaches of export orders, so it is entirely proper that customs should have been made the investigator of any alleged breach.

As to consulting Ministers before doing it, on that I have to say that I think officials acted entirely properly in what they did. The moment they suspected that a breach might have occurred, they were under a duty as citizens, never mind as civil servants, to draw it to the attention of the appropriate criminal investigation organisation.

It would have been quite improper to ask Ministers' opinion as to whether a suspected breach should be referred—to have asked for a political decision before referring the matter onward. That is why I am actually very pleased that the Foreign Office is able to say, "We initiated this investigation—we did not attempt a cover-up, and we have since co-operated fully and openly with customs." That is what I would have expected of my officials.

Dr. Norman A. Godman (Greenock and Inverclyde): I said on BBC Radio Scotland yesterday that the Labour party does not need lessons in ethical conduct from the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) or the odd job lot behind him—members of what we in Scotland now call the English rural party. I reminded my listeners of the Pergau dam affair and the Iraqi arms affair, neither of which led to the resignations of any Conservative so-called hon. Gentlemen. That is the point of this affair, and of this private notice question.

I hope that my right hon. Friend the Secretary of State will give us open access to the report and a full debate on it when it is published; and that he does not put the same constraints on examination of the report as were put on him in respect of the Scott report.

Mr. Cook: I am happy to give the right hon. and learned Member for Folkestone and Hythe an undertaking that he will have more than three hours in which to read the report before we debate it. I can also give my hon. Friend the Member for Greenock and Inverclyde (Dr. Godman) an assurance that we shall of course publish the report, and I fully expect that the House will wish to discuss it when it is available. As to his later remarks, my hon. Friend the Member for Bolsover (Mr. Skinner) referred earlier to the speech of the right hon. Member for Maidstone and The Weald (Miss Widdecombe), in which, the House will recall, the right hon. Lady detailed three occasions on which the right hon. and learned Member for Folkestone and Hythe misled this House knowingly.

Mr. Roger Gale (North Thanet): Will the right hon. Gentleman give my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) the undertakings he sought? Will the inquiry be conducted by a judge, and will it be conducted in public?

Mr. Cook: At the present time, we are still identifying who may head it up, but I can give an absolute assurance that it will be somebody with impeccable legal qualifications, because those will be required. Secondly, I have been repeatedly pressed by the House to produce an investigation that will report to the House at an early date. I have told the House that we shall be seeking to make sure that the procedures for that are consistent with speed, so that the House can have the facts, and officials can have the truth out in the open.

Mr. Hugh Bayley (City of York): Last week, I spent two days in west Africa at a conference about good governance and human rights, at which there were Members of Parliament and officials of five African nations and several Latin American nations. Representatives of many donor nations, including the United States and France, also attended. Not one delegate mentioned to me British policy on Sierra Leone. Does my right hon. Friend agree that people at that conference in Africa had the issue much better in proportion than Opposition Members do?

Mr. Cook: The people of Sierra Leone have found rather incomprehensible much of what they have read in

British newspapers and heard from the British Parliament in the past few days. As far as they are concerned, they have restored their legitimate and elected Government and seen the back of a brutal and repressive military regime, which is an entirely positive outcome for them. Of course, if there are allegations of a breach and allegations against officials, it is important that the facts should be out in the open. We have nothing to hide, and we want to have the truth out in the open. In Africa, as my hon. Friend pointed out, and elsewhere, the disproportionate attention given to this issue is regarded with incredulity.

Mr. Crispin Blunt (Reigate): The Foreign Secretary told us earlier that it would be wholly improper if the Foreign and Commonwealth Office caused the Customs and Excise investigation to be delayed. On 29 April, the day after the Foreign Secretary became aware of the letter from Sandline International's solicitor, Customs and Excise delayed indefinitely an arranged interview with Colonel Spicer under caution, pending further investigations. Was that a coincidence?

Mr. Cook: I do not know what the hon. Gentleman is seeking to suggest, but I know that he does not have the guts to say it baldly and directly—he comes at it from a tangent. If he repeats outside the House any suggestion— [HON. MEMBERS: "Oh."] If hon. Members will be quiet, I will answer. If he repeats outside the House any suggestion that I have improperly—*[Interruption.]* Please. If hon. Members have finished, I will continue. If the hon. Gentleman repeats outside the House any suggestion that I have improperly intervened in the customs investigation, I will sue, because it is totally untrue.

Mr. Ernie Ross (Dundee, West): As one of two hon. Members who visited HMS Cornwall when she returned from her patrol in that area and were briefed by the commander and the crew, I can tell my right hon. Friend that they were absolutely overjoyed at the work that they could do in rebuilding clinics and taking aid to the people of Sierra Leone. They were proud that they were able to take part in that exercise. I support my right hon. Friend in ensuring that he maintains his present position of supporting his officials and Foreign Office Ministers, so that people outside the House can see the difference between the Government and the Conservative party, whether in government or opposition.

Mr. Cook: I am grateful to my hon. Friend for his remarks. I particularly underline the fact that the House ought to express its appreciation of what was done by HMS Cornwall and all those who served on her at that time.

The hon. Member for Portsmouth, South (Mr. Hancock) asked about the pictures that were taken. They were taken in the third week of March, long after the Customs and Excise investigation had commenced. HMS Cornwall has done nothing improper in this matter, and much of which the House can be proud.

Mr. Tim Collins (Westmorland and Lonsdale): Does the Foreign Secretary have absolute confidence in the Minister of State, who has been looking extremely miserable this afternoon? Does he agree that, if the Minister of State is forced to resign over this matter, his own position will also be untenable?

Mr. Cook: Of course I have full confidence in my hon. Friend the Minister of State, who, like everybody else in this matter, has had to put up with wild allegations being reported as fact. If my hon. Friend is looking in any way unenthusiastic about this exchange, I can only put it down to the fact that he is frustrated at being unable to answer the questions himself, to put right his name, and to make it perfectly plain that there is nothing to hide among Ministers or officials.

Dr. Nick Palmer (Broxtowe): Does my right hon. Friend agree that it is rather sad that our dwindling Opposition are reduced to recycling press releases from the lawyers of a company suspected of criminal activity? Does he accept that, despite the further sneering attack on his ethical foreign policy by the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), my constituents, who take an interest in foreign policy, are very enthusiastic about the attempt to achieve such a policy? They realise that it will lead to controversy and that it will be difficult, but they honour the Government for trying it, and they recognise that the previous Government pursued an unethical foreign policy.

Mr. Cook: I am grateful to my hon. Friend for his remarks. Another point that Opposition Members keep refusing to face is that, in many parts of the world, our support for values of human rights, civil liberties and democracy has gained Britain respect. As the Foreign Minister of the Czech Republic put it to me, "If your entire history is about being the victim of foreign policy realpolitik, you respect a Government who are prepared to follow foreign policy on the basis of principle."

Mr. Eric Forth (Bromley and Chislehurst): What was the earliest date at which the planned military intervention in Sierra Leone was known in the Foreign Office, and at what official or ministerial level?

Mr. Cook: Sixth February, and it was known to all those who received the telegrams.

Mr. Bill Rammell (Harlow): Is it not clear that Conservative Members' strategy, both now and in recent days, is to draw similarities between this issue and the arms to Iraq affair and, in the process, try to gain sustenance for the impression that all politicians are as bad as they are? Not one proven fact has been advanced today to justify the lurid allegations that the Opposition have made.

Does the Secretary of State agree that, when it comes to arms sales, there will be allegations of this sort from time to time? In terms of good government, it is crucial that there be openness, and that the Government are willing and able to submit to independent scrutiny in order to get at the facts. That is what we are doing, and it is what the Conservative party singularly failed to do on arms to Iraq.

Mr. Cook: There are three main differences between the arms to Iraq affair and this matter. The first is that the arms to Iraq affair began with a policy decision taken by Ministers in secret to relax the guidelines. Secondly, it was followed through by ministerial decisions to authorise licences for the export of the machine tools. Thirdly, that was followed by an elaborate cover-up rather than a release of the facts—which went to the extent of even suppressing documents from a court case.

[Mr. Cook]

There could not be a starker contrast with our conduct of this issue: there has been no policy change, no ministerial approval and no attempt at a cover-up. We are anxious that the public should know the full facts that we know, which are very different from the facts being peddled to the public.

Mr. Andrew Tyrie (Chichester): Can the Foreign Secretary confirm that he initials all the papers he sees?

Mr. Cook: I can confirm that what happens with all papers I see is that I tick them if they are put there for noting. If they are put there for approval, I write "OK" on them. No papers are returned to my office without writing on them of any character. I have read some really weird and absurd claims in the press in the past two or three days. I do go through my red boxes, I do read what is in my red boxes, and I do tick all those that I have read. That is understood by my officials. I assure the hon. Gentleman that, at no stage, in any of those boxes or files, were there any data on a breach of the arms embargo before 28 April.

Mr. Kevin McNamara (Hull, North): Is my right hon. Friend aware that many of us who have, through our cities, particular relations with Sierra Leone—as my city of Hull does with Freetown—were grateful and glad when democracy was restored to that country? The harrowing tales that we heard from that unhappy country during the period of despotic tyranny caused great concern, and the non-governmental organisations and other organisations involved were grateful that democratic government was restored to Sierra Leone.

Has my right hon. Friend noticed that four words have not been used at all in the cross-examination of him today, which I think merit some consideration? Those words are "public interest immunity certificates". What on earth has happened to them?

Mr. Cook: I must admit that I am rather enjoying the cross-examination, because, the more it goes on, the more empty the Opposition's case becomes. My hon. Friend draws attention to one reason why Opposition Members cannot get off the back foot: it is because their back foot is so mired in the mud of the last Government. As I said to the House last week, one of my first reactions when I heard of the lawyers' letter was to make it plain that I was not prepared to sign any public interest immunity certificate in this matter. I want the full facts to be out, and I want any court case to be fair.

Mr. Howard: The Foreign Secretary has today been dancing to his master's voice. What was "very serious and grave" last week is now apparently "receiving disproportionate attention". He failed to answer the questions of which I had given him notice earlier today. Will he now tell the House who was on the distribution list of the document received on 6 February, to which he referred in answer to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), and will he finally answer the question that he has scrupulously avoided: will the inquiry that he has promised be carried out by a High Court judge and in public, following the precedent set by his own Government with the Phillips inquiry?

Mr. Cook: The documents of 6 February were telegrams, and those telegrams would be widely circulated. *[Interruption.]* Of course they would be. Telegrams are always widely circulated. They detailed the intervention in Sierra Leone by the military observers group of the Economic Community of West African States—ECOMOG—and the overthrow of the military junta there. As President Kabbah has pointed out, that was a military intervention by the west African forces; it was not a military intervention by any mercenary force.

I have some sympathy with the right hon. and learned Gentleman. He has been looking forward to this event throughout the past two days. Every radio broadcast today promised that there would be an hour on the rack for me here this afternoon. I must say that this has been quite a pleasant interlude from the work that I have to do at the Foreign Office. If the right hon. and learned Gentleman wants to do it again, I shall be happy to come back and repeat it.

Hon. Members: On a point of order, Madam Speaker.

Madam Speaker: Order. I seem to be getting points of order from hon. Members who are rather frustrated, so I hope that they are genuine points of order. I shall start with Mr. Winnick's.

Mr. Winnick: We have freedom of expression in the House, which is fortunate for all of us, but you, Madam Speaker, like your predecessors, have always said that we should be careful how we exercise that freedom of speech. The hon. Member for Reigate (Mr. Blunt) implied the gravest form of misconduct by the Foreign Secretary. My right hon. Friend responded by saying that, if those accusations had been made outside the House, he would sue. Is there not an obligation on the hon. Member for Reigate to reflect on what he said, and, if he considers that it was inappropriate, to apologise?

Hon. Members: Hear, hear.

Madam Speaker: Order. As I feared, these are not matters for me. The point of order seems to be an extension of the statement and questions on it. I see that the hon. Member for Reigate (Mr. Blunt) is rising. He may wish to say something.

Mr. Blunt: I will be happy to put the question in a detailed form outside the House, if that is what the Foreign Secretary wishes.

Mr. Bayley: On a related point of order, Madam Speaker.

Madam Speaker: I have dealt with the matter.

Points of Order

4.22 pm

Mr. Jonathan Sayeed (Mid-Bedfordshire): On a point of order arising out of Foreign Office questions, Madam Speaker. I suggested during questions to the Minister of State, Foreign and Commonwealth Office, the hon. Member for Leeds, Central (Mr. Fatchett), that General Motors had considered withdrawing its support for Vauxhall in Luton, and that one reason given was the high value of the pound. The Minister said that my question was based on a false hypothesis, and he therefore would not answer it.

As many Labour Members know, what I said to the Minister about the withdrawal of support by General Motors was correct. I have the briefing paper from Vauxhall, which states that one of the reasons is the high value of the pound. I suggest that inadvertently the Minister misled the House.

Madam Speaker: That is an interesting situation and one that concerns the hon. Member's constituency. He might like to apply to me for an Adjournment debate, in which he can develop that theme and get a full response from the Minister concerned.

Sir Peter Emery (East Devon): It has always been the tradition in procedure that interventions after a statement are put in the interrogative, as a question. We seem to be sliding away from that, with statements being made, not put in the interrogative, and often not even with a question at the end. Will you, Madam Speaker, reinforce the fact that hon. Members have been here long enough to learn that, according to the tradition of the House, questions must be questions, not just statements?

Madam Speaker: The right hon. Gentleman is absolutely correct. He will know, as do many other hon. Members, that I often call Members to order because of the comments they make. It happens too in the case of hon. Members who are leading on an issue for their party. May I suggest—I think that it is a good suggestion—that the party Whips should give seminars to some of their Back Benchers and take them through some of our procedures? If I had the time, there is nothing that I should like more than to put on my mortarboard and give hon. Members lessons in how to proceed in the Chamber.

Rural and Community Hospitals

4.24 pm

Mr. David Prior (North Norfolk): I beg to move,

That leave be given to bring in a Bill to establish procedures to place restrictions on the closure of rural and community hospitals.

I represent a rural constituency with many elderly, retired people. Public transport is not readily available, and the general hospital is a good 40 miles away for many people. There are five community hospitals in north Norfolk, a pattern reflected across the United Kingdom.

Over the years, many community hospitals have been chopped and changed, many have closed, others have been threatened with closure and then reprieved, and wards have been closed. The fortunes of those hospitals have yo-yoed with the annual financial settlement. There has been no long-term security or strategic plan.

In funding terms, community hospitals have been the Cinderella of the health service, relying on financial support from countless leagues of friends, appeal committees and supporters. They have been squeezed by the high-profile and expensive march of new technology in acute hospitals. The sword of Damocles has always hovered above them.

That is no way to run such a vital local service; no way to treat dedicated nurses and frail, and sometimes terminally ill, patients. The public have no confidence in the impartiality or correctness of the decision-making process. Matters have reached such a stage that one chairman of a cottage hospital told me that, if the health authority spent money on a hospital, it was a sure sign that it would try to close it in a year or two. Another said that a consultation was a cosmetic exercise—a case of, "We've written the minutes, now let's have the meeting."

There have been many debates in the House about community hospitals, usually prompted by a particular closure. Today is an opportunity to look at community hospitals in a less emotional setting.

The United Kingdom has 457 community hospitals. Many are approaching their centenary, and many of the war memorial hospitals had their origins in the great war. No two hospitals are the same; they have evolved to meet local patient needs. Most commonly, they allow patients to recover from traumatic surgery and to receive medical treatment near their homes. There is clear evidence, anecdotal and otherwise, that people recover more quickly in small, friendly local hospitals.

Perhaps most important, especially in an area such as north Norfolk, local hospitals have developed a special expertise in treating elderly people. That has led to a growing requirement to provide respite and palliative care for the terminally ill. The increasing number of older people, especially those who are frail or who have mental health needs, require a service sensitive to their needs and preferences. Evidence shows that older people are less likely to be disoriented if cared for at home or close to home, particularly by staff with whom they are already familiar and by their local GP.

The fact that community hospitals are so well supported by the community means that literally thousands of volunteers provide help. Taking time to listen and to talk to ill, old and sometimes lonely people can make a huge difference. During the next 10 years, the Government predict an increase of about 100,000 people over the age

[Mr. David Prior]

of 85, many of whom will need the services of their local hospitals and their community pharmacists. That massive local support, part of the moral capital of the NHS, will evaporate if the hospitals are closed.

By contrast, the big acute hospitals are organised primarily for major surgery. They employ highly specialised people, and are hugely expensive. It is essential to move patients out as quickly as possible. The community hospital is the logical halfway house between acute hospitals and home. They can also be used to manage winter pressures and the pressures of rising emergency admissions.

To summarise, community hospitals meet essential patient and clinical needs. They have massive public support, and fulfil a vital role between the large district hospitals and care at home. So it was that I welcomed a number of statements in the Government's White Paper called "The New NHS". They commit themselves to real, not synthetic, consultation, and to three, five, even 10-year funding agreements to give greater stability to NHS trusts. They also commit themselves to allowing local doctors and nurses, who best understand patient needs, to shape local services.

The Government specifically commit themselves to community hospitals in the White Paper, which states:

"Too often in the past, Community Hospitals have been sidelined."

Those are fine words, but, as they say in Norfolk, "Fine words butter no parsnips." Community hospitals from Cornwall to Wales, from the midlands to East Anglia, are under threat. Community hospital associations believe that at least 16 are threatened with closure. To bridge the gap between political rhetoric and platitudes and what is happening on the ground, I bring the Bill before the House. It is not fair to raise expectations without providing the wherewithal to achieve them.

The broad objective of my Bill is to make it much harder to close community hospitals, by introducing safeguards. First, there should be a presumption, albeit rebuttable, in favour of community hospitals remaining open. For the health authority, there must be a clear burden of proof to show that there is no longer patient or clinical need for the hospital. It would not be sufficient justification to suggest a lack of short-term financial resource.

Secondly, the obligation on the health authority to consult openly and seriously should be entrenched. Consultation must include not only community health councils, but everyone directly involved in primary health care, including doctors, nurses, health visitors and the like, as well as the public.

Thirdly, an independent panel should review the decision of the health authority and the assumptions and the reasoning behind the proposed closure. Specifically, it would consider bed utilisation and management objectively, and satisfy the public that the figures had not been cooked and bed occupation artificially lowered to support the case for closure. It would not take into account short-term financial considerations. An independent panel would restore public confidence in the decision-making process.

A proposed closure would have to have the seal of approval from the Secretary of State. In practice, he would overrule the independent body only if there were an overriding political imperative. However, the decision should have democratic legitimacy.

Those measures would make it more difficult, but not impossible, to close community hospitals. Some will close in response to changing patient needs, demography or technology, but at least those measures would make closure more acceptable to the public, and better understood. The Government would have to make available funds to support the health authority's strategic plan. No hospital should close because of a short-term funding gap.

The Bill puts down a marker to the Government. Community hospitals are a vital part of the health service. They have widespread public support and must be given a long-term future. There must be no more closures until proper safeguards have been put in place.

Question put and agreed to.

Bill ordered to be brought in by Mr. David Prior, Mrs. Gillian Shephard, Mr. John MacGregor, Mr. Keith Simpson, Dr. Ian Gibson, Mr. Christopher Fraser, Mr. Richard Spring, Mr. Damian Green, Mr. James Gray, Mr. Tim Loughton, Mr. John Bercow and Mr. Shaun Woodward.

RURAL AND COMMUNITY HOSPITALS

Mr. David Prior accordingly presented a Bill to establish procedures to place restrictions on the closure of rural and community hospitals: And the same was read the First time; and ordered to be read a Second time on Friday 3 July, and to be printed [Bill 186].

SCOTLAND BILL (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Standing Order No. 82 (Business Committee),

That the further Report [11th May] from the Business Committee be now considered.—[*Mr. McFall.*]

Question agreed to.

Resolved,

That this House doth agree with the Committee in its Resolution.—[*Mr. McFall.*]

Following is the report of the Business Committee [11 May]:

That the Resolution of the Committee reported to the House on 5th May be varied so that—

(a) the second and third days allotted under the Order (13th January) to proceedings on Consideration and Third Reading shall be allotted in the manner shown in the Table set out below, and

(b) each part of the proceedings shall, if not previously brought to a conclusion, be brought to a conclusion (in accordance with the Order, as amended on 30th April) on the expiry of the allotted period (calculated from the commencement of proceedings on the Bill) specified in the third column of the Table.

TABLE

Allotted day	*Proceedings*	*Allotted period*
Second day	New Clause 2 and New Clause 4	45 minutes
	New Clause 12 and New Clause 15	1 hour 30 minutes
	New Clause 17	2 hours
	New Clause 18	2 hours 30 minutes

	Amendments to Clause 1, Schedule 1 and Clauses 2 to 19	3 hours 30 minutes
	Amendments to Clauses 20, Schedule 2, Clause 21, Schedule 3 and Clause 22	4 hours 30 minutes
	Amendments to Clauses 23 to 28, Schedule 4 and Clauses 29 to 32	5 hours 30 minutes
	Amendments to Clause 33	6 hours 30 minutes
Third day	Amendments to Clauses 34 to 45	30 minutes
	Amendments to Clauses 46 to 75	1 hour 15 minutes
	Amendments to Clauses 76 to 85	1 hour 30 minutes
	Amendments to Clauses 86 to 91, Schedule 6 and Clauses 92 to 109	2 hours 15 minutes
	Amendments to Schedule 5 up to and including line 14 on page 59 of the Bill	3 hours 15 minutes
	Amendments to Schedule 5 from line 15 on page 59 of the Bill up to and including line 13 on page 76	4 hours
	Remaining amendments to Schedule 5, remaining New Clauses and New Schedules, amendments to Clause 110, Schedules 7 and 8 and Clause 111 up to and including line 28 on page 50 of the Bill	4 hours 15 minutes
	Remaining amendments	4 hours 30 minutes
	Third Reading	6 hours 30 minutes

Orders of the Day

Scotland Bill

[2ND ALLOTTED DAY]

As amended (in the Committee), further considered.

New clause 2

CORRUPTION OR MALADMINISTRATION IN LOCAL GOVERNMENT

'.—(1) The Parliament shall make provision for the investigation of relevant complaints made to its members in respect of instances of corruption or maladministration in a Scottish Unitary or Island Authority.

(2) For the purposes of subsection (1), a complaint is a relevant complaint if it is a complaint which, if it were made of a local authority in England or Wales, could be investigated by the Audit Commission.

(3) "Scottish Unitary Authority" and "Scottish Island Authority" mean local authorities established under the Local Government etc. (Scotland) Act 1994.'.—*[Dr. Fox.]*

Brought up, and read the First time.

4.34 pm

Dr. Liam Fox (Woodspring): I beg to move, That the clause be read a Second time.

New clause 2 would provide scrutiny and accountability in the Scottish Parliament. The debate that we have had in the past hour shows why proper scrutiny and accountability are required. The new clause relates to corruption and maladministration in local government, which should concern all those involved in local government in Scotland. There has been a litany of accusations of maladministration in parts of local government in Scotland, and we have tabled the new clause because of the failure of internal scrutiny.

It is not long since the Secretary of State and his colleagues arrived in Paisley to deal with allegations of scandal and corruption and the other problems afflicting the local Labour party. The headlines in the compliant Scottish press at the time referred to them as sleaze busters. We were told that they were going to sort the problems out once and for all, and that no stone would be left unturned. Now—a considerable time later—one inquiry has been completed and then ditched, and a separate inquiry is having to be held for which the House will have no locus, because it has not been set up by us although the matter is of great concern to us.

The failure of internal regulation in Paisley is a good example of why the Scottish Parliament should have some powers over local government in Scotland. The relationship between local government in Scotland and the Scottish Parliament will be extremely important.

Inquiries have been held into local government maladministration. The Labour party attempted such an inquiry in Glasgow. It was something of a kangaroo court and the charges were never made public. It ultimately collapsed because Millbank could not understand Scottish law, or at least that was the excuse. It was a complete farce and did party politics no good. If we want politics to be held in high regard, we must ensure that everything is above board. After the low turnout at the local government elections in England last week, all the political parties were talking about the need to explain the importance of local government and to foster a spirit of

[Dr. Liam Fox]

civic responsibility. Any inquiry into the behaviour of those who take part in local government should be fair and public. Those are important aspects of natural justice.

Mr. Tam Dalyell (Linlithgow): I am puzzled. The hon. Gentleman asserts—it is only an assertion—that the Scottish Parliament should have some powers over local government. What powers? In particular, what powers does he think Holyrood should have that Westminster at present does not have?

Dr. Fox: The new clause refers to complaints that, if they occurred in England, would be investigated by the Audit Commission. That is what the clause seeks to introduce for Scotland. There have been a number of scandals and allegations involving local government in Scotland that have given rise to great public disquiet. The Labour Opposition of the time told us that the Monklands problem was an isolated example. Glasgow was another isolated example, as were Govan and Paisley. When we join up the dots it becomes a large isolated example, because it involves the whole of the west of Scotland. We should be concerned about that.

Mr. Dennis Canavan (Falkirk, West): The hon. Gentleman did not mention Tory-controlled Westminster council. Is he proposing that the Scottish Parliament should have investigatory powers similar to those in England and Wales that exposed the disgusting scandal of Tory-controlled Westminster council?

Dr. Fox: The new clause would give powers to the equivalent of the Audit Commission, and I hope that the hon. Gentleman will support it. He will, of course, be aware that the remit of the Bill does not extend to Westminster council, so I shall ignore his remarks.

What occurred in Paisley shows best of all why these powers are needed. The Government may find it inconvenient that I bring up this party political subject, but questions remain unanswered. Such events have a negative impact on places such as Paisley. It is wrong for Paisley to get a bad name because of the Labour party's failure to deal with allegations. The people of Paisley dislike the way in which the town has become synonymous with problems in the conduct of local government. That is unfair, and there should be a clear mechanism of scrutiny. We still do not know what is going on in Paisley. The Government have not come up with a clear method of dealing with the allegations about the way that local government in Paisley was conducted. An hon. Member who was respected and liked in all parts of the House committed suicide and another hon. Member has been under suspension by his party for some time and is not representing his constituents in the House. There is no reassurance for the general public, and we need a mechanism that will reassure them. Matters must be above board so that those in local government know that they will be dealt with fairly. There must be proper public scrutiny.

Dr. Norman A. Godman (Greenock and Inverclyde): I should perhaps declare an interest. My wife is a councillor in the west of Scotland and she is a remarkably honourable woman. I have to say that because she is bigger than me.

The new clause is disgraceful. It plainly shows that Scotland is slipping away from the grasp of the Conservative party, what I call the English rural party. The United Kingdom as a unitary state is slipping away from it, and the new clause is an absurd attempt to bring some order to what should be done in Scotland. My hon. Friend the Member for Falkirk, West (Mr. Canavan) asked about Westminster council and the hon. Member for Woodspring (Dr. Fox) said that that had nothing to do with Scotland. He was right in the context of the Bill, but we must not forget the face of corruption.

I suppose that at a moment like this I should murmur de mortuis nil nisi bonum in respect of the late Reginald Maudling, Mr. Poulson and Mr. Pottinger. I am tempted to repeat that for the benefit of the hon. Member for Banff and Buchan (Mr. Salmond), who is not a Latin scholar. Those three gentlemen and, I seem to recall, a Labour Member and Labour representatives from the north-east of England were involved in scandalous affairs. Corruption was a feature of much of Conservative public life.

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): Does not the hon. Gentleman agree that, as local government is a devolved matter under the Bill, there is nothing in it to preclude a Scottish Parliament from investigating local authorities that are suspected of corruption? Irrespective of which party forms the Administration, I am sure that the new Parliament will be quick to do that.

Dr. Godman: The hon. Gentleman makes a fair intervention. Of course his party will not command a majority in the new Parliament. It will be up to Members of the Scottish Parliament to engage in negotiations with representatives of local authorities to develop some kind of system to tackle corruption in councils. That applies to all parties, although Scottish councils are not led by Conservatives and perhaps never will be unless there is some system of proportional representation for local government. Even then Conservative control is unlikely. It is right to seek to drive corruption, cronyism and nepotism from our councils. That applies to Conservative councils here in the deep south, where the Westminster scandal is still fresh in our minds, as much as it applies to the occasional Labour councillor who goes adrift.

The hon. Member for Woodspring spoke about Paisley, but I could not figure out what he was talking about. He referred to the late Gordon McMaster, who was an hon. Member and a good friend of mine. He was utterly innocent of any charge, as I am sure the hon. Gentleman would concede. He also referred to a neighbouring constituency but he made little reference to the council whose headquarters are in Paisley and whose meetings were recently described rather graphically by a senior police officer as somewhat lively—livelier than some Paisley pubs on a Saturday night. I place the blame for that unbecoming conduct fairly and squarely on the Scottish National party. It has nothing to do with Labour, with Councillor Hugh Henry and the fine people who sit behind him, but the independents and some of the SNP councillors leave a little to be desired.

Dr. Fox: The belief that everybody but members of the Labour party is responsible for the problems in local government in Paisley leaves a credibility gap. The hon.

Gentleman described the new clause as deplorable. It seeks only to give to Scotland the same power of scrutiny as is held by the Audit Commission in England. Why should the people of Scotland have less power than people in England to scrutinise local government?

4.45 pm

Dr. Godman: I agree with the hon. Member for Galloway and Upper Nithsdale (Mr. Morgan). If there are to be regulations about the authority of our Edinburgh Parliament to scrutinise and perhaps discipline errant councillors, it must be based on genuine consultation in Scotland, not consultation in this place. It must take account of consultations not just with local authorities but with community councils. They were not mentioned by the hon. Member for Woodspring. How many community councils are there in Paisley or in Inverclyde and elsewhere? Consultations should involve representatives of the Edinburgh Parliament and civic society. What about business and trade union interests and those of voluntary organisations which have to work closely with local authorities? They should all be engaged in negotiations about the formulation of such powers.

Mr. Alex Salmond (Banff and Buchan): I did not want to interrupt the hon. Gentleman's flow a few moments ago when he suggested that the problems in Renfrew council related to conduct at council meetings. In fairness, the hon. Gentleman might recall FCB Securities and the allegations about the activities of council-originated companies that were made by a Labour Member. Does the hon. Gentleman concede that there is a great deal more to Renfrew politics than the conduct at a few council meetings?

Dr. Godman: I readily concede that point, which the hon. Gentleman makes in a fair-minded way. In formulating policies to help needy communities, Strathclyde regional council in some cases gave too much unfettered authority to groups that had been set up throughout the region, and problems were created. That council did a fair job of looking after people in need, especially in my constituency and in Glasgow and Paisley. However, mistakes were made, and I am perfectly happy to accept the suggestion by the hon. Member for Galloway and Upper Nithsdale that a Scottish Parliament, after genuine consultation with civic society, could come up with a system to regulate the conduct of councillors. The overwhelming majority of such representatives have integrity. They play a fair game and are dead straight and honourable, and they should not have the new clause imposed upon them. Such measures must come from Edinburgh.

Change is needed in our local authorities. I advocate proportional representation, and I have long argued for it There is to be electoral reform for the European Parliament, the Scottish Parliament and the Northern Ireland assembly—if we get the result that we all hope for in about 10 days. Local government should be based on proportional representation. This may not make me very popular with a certain councillor whom I meet occasionally, but in Glasgow we have a massive number of Labour councillors and a very small opposition. That is not right. The same holds for south of the border. The Conservative party used to have massive majorities down here in the deep south and that is wrong. Speaking as a democratic socialist, I believe that that is wrong. We need electoral reform.

I prefer the additional member system. That is the fairest system of proportional representation, but we should not have councils where those in power occupy 70 seats and those in opposition occupy fewer than a dozen seats. That is not right. It will not happen in our Parliament. We will even have—we may have—four or five Conservative representatives in that Parliament, if they are lucky.

Subsection (1) of the new clause states:

"The Parliament shall make provision".

I might have been a little happier with it if it had said "may make provision". That has to be done by the people of Scotland and their representatives. The hon. Member for Woodspring equates this with the Audit Commission, not with Parliament. Again, that is unacceptable.

If we are going to talk about elected representatives determining these things north of the border, should we not talk about elected representatives south of the border having the same power? Again, why Scotland? Why not Northern Ireland? Why not Wales? The hon. Member for Woodspring is going to say, "Of course, we are debating the Scotland Bill," but he does not make even a passing reference to the scandals that overtook Westminster and indeed other Conservative oligarchies down here. That is why I am so opposed to the new clause.

By all means, let us have change in local government. Let us demand the highest standards of conduct from our representatives at all levels, including at the level of this multinational state Parliament, but let us not focus just on local authority representatives, with them not having any say in the sort of system that is developed.

Mr. Salmond: As usual, that was for the most part a fair-minded speech from the hon. Member for Greenock and Inverclyde (Dr. Godman). I follow that by making a few points briefly.

I am suspicious of clauses, arguments or indeed recent proposals from the Secretary of State for Scotland saying that the solution to manifest problems in local government is to impose structures from above. I am not against having a sleaze buster or some form of administration, overseeing authority or commission—most people are not against that—but that is not the way in which we should be examining these particular problems. We should be examining democratic structures in councils, so that those are healthy and enable a vibrant democratic exchange to take place in councils where it does not take place at present.

As some hon. Members will know, I come from West Lothian. I am a Lithgae lad. I am a black bitch, which confirms the thoughts of a few Labour Members and what they think about me. Among other things, West Lothian council—I see the hon. Member for Linlithgow (Mr. Dalyell) in his place—has benefited from the substantial number of changes in administration that it has had over the past 20 years or so. I believe—and I am trying to be fair-minded about this, although I am not saying that I would not prefer the Scottish National party to be in administration all the time—that both Labour and the SNP have been kept on their toes in that council because they have had a substantial opposition force, which was ready and able to take over at the next election if the electorate so decided.

[Mr. Salmond]

We should consider that structure and that model in examining councils throughout Scotland. That is why the reference by the hon. Member for Greenock and Inverclyde to proportional representation is more important than this new clause, the Government's sleaze buster or any other factor. We should provide methods of ensuring a vibrant democratic opposition and a balance of forces within councils, so that some of the malpractice that we have undoubtedly seen in certain Scottish Labour councils does not become the norm rather than the exception.

It would be useful if we also examined this matter in terms of moving to full-time councillors. The Conservative party often argues that there is a risk in Scotland of people becoming overgoverned. I was looking at some figures recently. Scotland has fewer elected representatives per head of population, even allowing for the 129 who are going into the new Parliament, than any other country in western Europe. Incidentally, we have substantially fewer than England because of the new single-tier structure in Scottish local authorities. It is not a case of cutting the number of councillors in Scotland. There is a substantial case for having decent remuneration for the councillors we do have in a simple form, relying on a salary as opposed to augmented expenses.

That would be fairer and more democratic. It would allow a wider pool of people to move into Scottish local authorities and, again, would be a generic way in which to tackle these problems, instead of assuming that the solution is to prescribe and to impose from above.

I was interested to read in *The Herald* last week that the Labour party was appointing a sleaze finder to scrutinise—I see the Minister of State laughing—the work of the SNP throughout Scotland, so that Labour could fling some mud at the SNP, instead of all the mud being thrown at the Labour party. The SNP is by no means perfect—I would never make that claim—and no party is, but it would take a fair amount of brass neck for anyone in the Labour party hierarchy to believe that that might be a fruitful area of exchange in the run-up to the Scottish parliamentary elections. It might find that more ammunition was coming in its direction than in that of the SNP.

The serious point that I want to make is this. I hope that the debate that we conduct over the next year looks at democratic structures, instead of negative allegations between political parties. We would do the Scottish Parliament and Scottish local government a substantial service if the argument about cleaning up Scottish local government in certain councils—not the majority; corruption is not the norm—concentrated far more on how to achieve vibrant, democratic structures. As we are introducing a vibrant, democratic structure for the nation, we should be thinking of introducing the same thing in local authorities throughout Scotland.

Mr. Dalyell: I agree with the hon. Member for Banff and Buchan (Mr. Salmond) that it should be local government that sorts itself out and that it should not be sorted out from any Parliament, either Holyrood or Westminster, but I am astonished at some of the other things that have been said. I do not make a party point here. Incidentally, I leap to the defence of the late Reginald Maudling. There were two sides to that story and I recall only that, for Scotland, he was one of the most helpful Chancellors of the Exchequer whom I ever went to.

As a doctor, let alone a politician, the hon. Member for Woodspring (Dr. Fox) should be extremely careful in his references to the late Gordon McMaster and suicide notes because the truth is that, as he will know—I will put it this way—Gordon McMaster, who was a friend of mine, as he was of my hon. Friend the Member for Greenock and Inverclyde (Dr. Godman), said that he had been a fool when he was a lecturer in gardening at Langside college not to go along with the strict regulations on the handling of pesticides. As we know, pesticides are organophosphates and, as research is proving, organophosphates and organophosphate poisoning can do very odd things to the human mind, so we should be extremely careful about using that example.

Dr. Fox: I am sure that the hon. Gentleman will recognise that that, with all due respect, is not the issue here. The issue is the failure of internal regulation within the Labour party in Scotland to come to conclusions as to what happened and the wider issues relating to Paisley.

Mr. Dalyell: It was the hon. Gentleman who raised the subject and, frankly, I thought that to make that or any other point was uncalled for. Anyhow, what are we doing spending time on this when we should be discussing new clause 4, which deals with expenditure on reserved matters? If there is not time to deal with new clause 4, Mr. Deputy Speaker, would it be out of order for me at least to ask the Minister to give a Government explanation of the answer to—

Mr. Deputy Speaker (Mr. Michael Lord): Order. Yes, it would be out of order for the hon. Gentleman to try to do that.

Mr. Dalyell: For Parliament to spend this time talking about corruption rather than the vital issues in new clause 4 is an absolute disgrace.

Mr. Deputy Speaker: Before I call the next speaker, I should like to make the point to the House that all of today's debate is programmed and carefully timed. It is up to hon. Members on both sides of the House to decide how they spend that time.

Mr. Donald Gorrie (Edinburgh, West): I support the hon. Members for Greenock and Inverclyde (Dr. Godman) and for Banff and Buchan (Mr. Salmond) in their enthusiastic comments on proportional representation, which I think would make a very considerable contribution in sorting out corruption and misbehaviour in councils. I also agree with the intervention by the hon. Member for Galloway and Upper Nithsdale (Mr. Morgan), who pointed out that the Scottish Parliament will have complete control over local government. New clause 2 is therefore unnecessary, as the Scottish Parliament will be able to do what it wishes in regulating local government without it.

5 pm

I should like to make only one point to the Minister: the approach taken in new clause 2—which is undoubtedly well intentioned—is wrong in suggesting

that the Scottish Parliament should have to establish its own inquiry into complaints made to it. I realise—from a small involvement, at second hand, in recent events in my own area—that a council may, as a council, establish an inquiry, which will be conducted by an official. Subsequently, the party involved in the inquiry may feel that it also must have an inquiry. The police may then feel that they, too, must conduct an inquiry. Ultimately, all the inquiries may become snarled up with one another. Therefore, if the Scottish Parliament is required to conduct yet another inquiry, the situation may become even worse.

I think that, in collaboration with local government and police, the Scottish Parliament will have to establish a sensible method of investigating allegations of corruption, so that we do not have one inquiry after another. Unfortunately, so far, such a series of inquiries has led to nothing being done about the allegations that have been made in Scotland.

I therefore plead that the Scottish Parliament does not replicate what others are doing, but co-operates with others to ensure that one thorough inquiry is conducted. After such an inquiry, action should be taken—rather than no action, as currently happens.

Mr. Malcolm Chisholm (Edinburgh, North and Leith): Although my speech will be very brief, I feel that I must very briefly mention the fact that the hon. Member for Woodspring (Dr. Fox) delivered his entire speech and seemed not to be aware of the Government's proposals on local government corruption and maladministration. I realise that the issue is difficult for Conservative Members, as they have no hon. Members representing constituencies in Scotland.

In April, the Government issued a consultation paper entitled "A New Ethical Framework for Local Government in Scotland", which deals with precisely the type of matters with which we are all concerned. In the paper, the Government have gone further than the Nolan committee's recommendations, to make it absolutely clear that we are determined to take a very tough line on any maladministration or corruption in local government.

In case Opposition Front Benchers are unaware of it, the Government are proposing that serious allegations of misconduct should be considered by a new national standards commission for Scotland, led by a Scottish standards commissioner. In his reply, the hon. Member for Woodspring should at least tell the House the Opposition's thoughts on that proposal, which seems to be the correct way of proceeding on a very important matter.

Mr. Desmond Swayne (New Forest, West): I should like to remind the hon. Member for Edinburgh, North and Leith (Mr. Chisholm) that we are debating the Scotland Bill, and that—although it is all very well for the Government to have proposals and to be considering them—we are considering mechanisms that may be included in the Bill. Therefore—in the absence in the Bill of the Government's proposals, which the hon. Gentleman described—it is perfectly proper for hon. Members to attempt to include such necessary provisions in the Bill.

I differ from the hon. Member for Linlithgow (Mr. Dalyell) in his analysis of this debate, as I believe that the matters with which we have been dealing are particularly important.

My analysis differs very significantly from those of the hon. Members for Banff and Buchan (Mr. Salmond), for Greenock and Inverclyde (Dr. Godman) and for Edinburgh, West (Mr. Gorrie), all of whom seemed to take the position that we should not find remedies to problems which clearly must be dealt with—Conservative Members have tabled new clause 2 to do so—but tackle what they regard as the fundamental institutional problem giving rise to the phenomenon of corruption that we have identified. The hon. Gentlemen think that if we work on the democratic and institutional structures, the problems will go away. As a solution, they have offered us a form of proportional representation, several forms of which they have discussed.

Proportional representation would make the problem worse. It is highly likely that proportional representation will lead to semi-permanent coalitions that will entrench administrations—just as administrations have become entrenched in certain parts of the central belt.

Mr. Dalyell: I had better speak on this for myself and not for my colleagues. If people are going to level charges of corruption at other men and women, the place to do it is a court of law. It is either put up—in a court of law—or shut up.

Mr. Swayne: I beg to differ with the hon. Gentleman. The fact is that the perception among newspapers and the public has been of a number of cases of what, in the previous Parliament, Labour Members themselves characterised as "sleaze". It is entirely proper for hon. Members—when considering a Bill that will hand to the Scottish Parliament responsibility for local government—to consider procedures to deal with that phenomenon. Such consideration prejudges nothing about cases that have been mentioned, and I have made absolutely no accusations about any specific council. However, it is entirely proper that the public mind should be put at rest by passing a provision, such as new clause 2, to deal with the matter.

Mr. Salmond: What was the public perception of this place in the previous Parliament?

Mr. Swayne: My suspicion—which was confirmed by my own knocking on doors—is that the public's perception of the reputation of this place remains considerably higher than their perception of the reputation of individual hon. Members. Many hon. Members would therefore do well to improve our conduct, so that we live up to the standard of the institution in which we take part.

It is entirely proper for us to consider new clause 2, which is designed to include in the Bill a mechanism to investigate the allegations that have been drawn to our attention. The new clause would provide the Scottish Parliament with a powerful investigatory mechanism.

Mr. Alasdair Morgan: I feel as though I have to express my own thoughts—also, I suspect, the thoughts of many other hon. Members—in having to deal with a succession of totally specious and spurious amendments and new clauses, which have been tabled only to give the official Opposition an opportunity to score some political points. The amendments and new clauses—especially new clause 2—will add nothing to the Parliament's powers, but will merely give it yet another instruction, which is so

[Mr. Alasdair Morgan]

patronising. Although we want to give a Parliament to the Scottish people, we seem to feel that we have to tell them what they must do with that Parliament. We are saying, "Using these powers, you will do such-and-such; using those powers, you will do something else."

The Conservative party is very fond of criticising the Government for running a nanny state and for constantly telling the public what to do. However, Conservative Members want the Westminster Parliament to be a nanny Parliament, always telling the Scottish Parliament what to do. The Scottish people will not stand for it.

The Minister for Home Affairs and Devolution, Scottish Office (Mr. Henry McLeish): I agree with almost every hon. Member speaking in this debate on one point: we should take the issue seriously. I hope that there is no serious dispute between hon. Members, first, about the need for the highest standards of conduct at any level of government; secondly, on the matter of effective and efficient scrutiny; and, thirdly—I agree with the hon. Member for Banff and Buchan (Mr. Salmond)—that we want open and transparent structures in both the Parliament and local government. The culture will have to change, and such structures will be the best way of ensuring that it does.

I hope that hon. Members agree also that, in any forum, the best method of discipline is self-discipline. Those who participate in democratic life should always be aware of circumstances and of their obligations, not only to one another, but to the communities that they represent.

The new clause adds nothing to the quality of what the Parliament will be able to do. It is narrow and unnecessary. The Bill places a duty on the Parliament to make provision for the investigation of relevant complaints of maladministration made to its Members. It does not place a duty on the Parliament to investigate complaints about maladministration or corruption in local government—but that does not preclude the Parliament from making provision about such matters.

It is important to stress that we have in Scotland the Accounts Commission, which will investigate complaints of financial impropriety, and the Commissioner for Local Administration in Scotland, who will investigate complaints of maladministration. Criminal corruption will continue to be a matter for the police. The powers and duties of the Secretary of State in relation to the commissioner and the Accounts Commission will transfer to the Scottish Executive.

By tabling new clause 2, the Conservatives are trying to impose a duty on the Scottish Parliament to make provision for the investigation of complaints of corruption or maladministration in a Scottish local authority. The Government do not think that that is necessary. Provision is already made for the investigation of complaints by the Accounts Commission or the local government ombudsman, depending on the nature of the complaint. In addition, the Government have just published proposals to strengthen further the ethical framework for local government, which has been alluded to in the debate.

The new clause would have the perverse effect of requiring investigation only of the very limited subset of complaints about financial impropriety, which, in England and Wales, falls within the remit of the Audit Commission. I hope that it comes as no surprise to Opposition Front Benchers that the Audit Commission does not operate in Scotland.

Dr. Fox *indicated assent.*

Mr. McLeish: The hon. Gentleman has confirmed that the Opposition know that. It is therefore interesting that their new clause makes no reference to the Accounts Commission and refers only to the Audit Commission, which is germane only to England and Wales.

Dr. Fox: Obviously, the Minister did not either listen to my remarks or read the new clause, which states that a complaint is relevant

"if it is a complaint which, if it were made of a local authority in England or Wales, could be investigated by the Audit Commission."

It clearly draws a distinction between England and Wales and Scotland.

Mr. McLeish: I rest my case. It is obvious that a new clause or an amendment to the Government of Wales Bill may have to be changed for the Scotland Bill. I think that hon. Members will agree that the issue of local government conduct stretches more widely than the narrow remit of the Audit Commission.

Mr. Salmond: I think that I heard the Minister make a very serious allegation. Is he saying that the Conservative party is so short of people and researchers that it is economising by tabling the same amendment to different Bills? That surely cannot be so.

Mr. McLeish: I will not entertain the hon. Gentleman on this issue any further. I shall just leave a little thought in hon. Members' minds.

The Government are very serious about ensuring that there is a robust ethical framework for local government conduct. Following the Nolan committee's report on local government conduct in July 1997, we have been giving a great deal of thought to how to secure the highest standards of conduct in local government. We have published proposals that go much further even than Lord Nolan's committee recommended in ensuring swift and authoritative independent investigation of allegations of misconduct against councillors.

We believe that a stronger ethical framework for local government is needed if the instances where local government conduct appears to fall short are not to undermine people's confidence in local democracy. Once we have consulted on our proposals, we intend to look for an opportunity to legislate to bring into effect a new ethical framework.

In the meantime, we do not see a need for the specific measure proposed by Conservative Front Benchers. Nor do we believe that we should legislate piecemeal for the creation of a new ethical framework for local government. We think that the Bill gives the Parliament the desired flexibility to make arrangements for the investigation of complaints against other bodies. In view of that, I urge the hon. Member for Woodspring (Dr. Fox) to withdraw the motion.

Dr. Fox: The entire point of considering the Bill is to delineate the responsibilities that the Scottish Parliament

should and should not have. It is therefore quite legitimate for us to circumscribe its investigative powers in any one area. I therefore disagree with the hon. Member for Galloway and Upper Nithsdale (Mr. Morgan).

I am not entirely clear about the Government's objection to the new clause. The Minister began by saying that many of the powers of investigation into local government maladministration are sufficient, but then said that the Government had to introduce a new ethical code and new powers. I cannot see why, if the Government plan to go much further, they will not accept the new clause.

The perception among voters in Scotland will be that the matter concerns the development of a cosy relationship and a lack of scrutiny. Those who read the Scottish press and follow local government events in Scotland will know that there is a great deal of disquiet among the public. Although some of it may not be correct, it deserves to be taken seriously—I agree with the Minister on that.

I must disagree with the Minister that the provision is unnecessary and that it is not legitimate for the House to try to impose a responsibility on the Scottish Parliament to take the issue seriously at the soonest point. We should remember that the Secretary of State has told us that the Parliament should be up and running six months sooner than we expected—long before the Government's White Paper proposals are enshrined in legislation, even if they can cram them into their legislative programme at the earliest opportunity, which is likely to be three years down the road.

For that reason, I have no intention of withdrawing the motion. We shall press it to a Division.

Question put, That the clause be read a Second time:—

The House divided: Ayes 132, Noes 323.

Division No. 270] **[5.14 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Faber, David
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hammond, Philip
Hawkins, Nick
Hayes, John
Heathcoat-Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Oliver Heald and
Sir David Madel.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Baker, Norman
Ballard, Mrs Jackie
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beith, Rt Hon A J
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradshaw, Ben
Brake, Tom
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Stephen
Cable, Dr Vincent
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell-Savours, Dale
Canavan, Dennis
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chisholm, Malcolm
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John

Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Cunningham, Ms Roseanna *(Perth)*
Dafis, Cynog
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Dismore, Andrew
Dobbin, Jim
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Ewing, Mrs Margaret
Fearn, Ronnie
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Galbraith, Sam
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hughes, Ms Beverley *(Stretford)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Jones, Barry *(Alyn & Deeside)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Livingstone, Ken
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McLeish, Henry
Maclennan, Rt Hon Robert
McNamara, Kevin
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffd Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Norris, Dan
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pollard, Kerry
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salmond, Alex
Salter, Martin
Sanders, Adrian
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Starkey, Dr Phyllis
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stott, Roger
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Warsing, Robert N
Watts, David
Welsh, Andrew
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Kevin Hughes and
Ms Bridget Prentice.

Question accordingly negatived.

New clause 12

CONCORDATS

'.—(1) Any concordat relating to—

(a) the procedures to be followed when issues relating to devolved matters are to be discussed at meetings of the Council of Ministers or made the subject of discussions with or representations to the European Commission, or

(b) the implementation of the provisions of Parts 3 and 4 of this Act and any other financial dealings between the Treasury and Ministers of the Crown and the Scottish Parliament or the Scottish Executive

shall not come into effect until it has been—

(i) approved by the Parliament;

(ii) approved by a resolution passed by the House of Commons;

(iii) signed by a member of the Scottish Executive, and

(iv) signed by a Minister of the Crown.

(2) In this section "concordat" means any agreement between a Minister of the Crown and the Scottish Executive regarding the consultation arrangements and common United Kingdom guidelines in respect of:—

(a) any reserved matter under Schedule 5,

(b) any devolved matter under section 29(4),

(c) any transfer of ministerial functions under section 49,

(d) any functions exercisable by agreement under section 51,

(e) any shared power under section 52,

(f) any cross-border public body under sections 83, 84 and 85, and

(g) any agency arrangements under section 87.'.— *[Mr. Ancram.]*

Brought up, and read the First time.

Mr. Michael Ancram (Devizes): I beg to move, That the clause be read a Second time.

This is not the first time we have addressed this issue. We had a lengthy general debate on concordats on 31 March, and I do not intend to rehearse all the arguments made then. The new clause—which I hope to introduce briefly—has been tabled in all seriousness, in an attempt to meet some of the points made during that debate.

As the House knows, my concern about concordats is that they are designed, either intentionally or unintentionally, to avoid the legislative process. Like executive agreements in America, they are designed to avoid scrutiny; the scrutiny of this House. It is evident from the paper on concordats—which the Government most helpfully put in the Library—that they will not come before this House. They will be made public; there is no question of their being confidential unless there are reasons for confidentiality. However, they are informal agreements which will not be legally enforceable, and they will not be subject to the scrutiny of this House or of the Scottish Parliament. I mention the Scottish Parliament because, when I made the point during the last debate— *[Interruption.]*

Mr. Deputy Speaker: Order. The hon. Member for Glasgow, Kelvin (Mr. Galloway) is standing and holding a conversation. He and others must listen to the debate.

Mr. Ancram: I realise that I do not come from the middle east, Mr. Deputy Speaker, but I hope that the hon. Member for Glasgow, Kelvin (Mr. Galloway) will listen to the case that I am making.

I was accused of skewing the earlier debate on concordats when I said that concordats should come before this House and this Parliament. I was asked why they should not come before the Scottish Parliament. That was a valid point.

It was also said that many of the concordats would relate to relatively unimportant issues, such as organisational matters concerning the relationships between Departments. However, the concordats will be of great importance in a number of areas, most obviously in the representation of Scotland at the Council of Ministers—indeed, although we are debating concordats in relation to the Scotland Bill, the same case could be made in relation to the devolution proposals for Wales.

When we debated the White Paper assurance that Ministers from the Scottish Executive could represent the interests of Scotland and the United Kingdom in the Council of Ministers, we were told that that would be organised by concordat—it did not need to be specified in the Bill. Indeed, I was given to understand that some of the concordats were being drafted—although obviously they cannot become effective until the Scottish Parliament and Executive are established. I questioned the wisdom of leaving a matter as crucial as Scotland's voice in Europe to informal arrangements, especially as the concordats will not be legally enforceable and as, according to the paper that was placed in the Library, they will usually be signed by officials.

5.30 pm

On Europe, and on resource and taxation matters covered by parts III and IV, agreements that are reached by what in law we might call back-letters but what in the Bill are called concordats—they are not specified, but are in the background—should be scrutinised by both the Westminster and Scottish Parliaments. Both Parliaments will have a strong interest in such matters, so I see no reason why they should not be able to scrutinise and approve the concordats—unless, that is, the UK and Scottish Administrations do not want them to be able to do so.

I make no major point about this, but I have been concerned throughout our deliberations at the fact that many of the agreements will be signed by officials, not by Ministers. The affairs of the past few days have suggested that it is always better for Ministers to be aware of what their officials are discussing and agreeing. It is important that Ministers are involved in issues of such grave importance as the resourcing of Scotland after devolution, and Scotland's voice at the Council of Ministers.

The new clause would ensure that any concordats relating to devolved matters that are raised at the Council of Ministers—or to matters that are raised under parts III of IV of the Bill—would not come into effect until the Scottish Parliament and the House of Commons had approved them, and that they would have to be signed by a member of the Scottish Executive and a Minister of the Crown. I tabled the proposal with some anticipation and optimism. When I moved an equivalent but much more broadly based amendment, the Liberal Democrats made it clear that they would have found it acceptable—in relation to Wales, at least—if I had also specified the Welsh assembly, and I think that I was told the same in relation to the Scottish Parliament. I have genuinely tried to make the new clause constructive and important.

Mr. James Wallace (Orkney and Shetland): The right hon. Gentleman may be about to clarify this, but I want to ensure that I fully understand what he is saying. The list of consultation arrangements that could be defined as concordats under subsection (2) seems to cover more than matters discussed at the Council of Ministers or Treasury and tax-varying powers. Would the new clause apply to all concordats, or only to those relating to the Council of Ministers and taxation?

Mr. Ancram: The latter. Subsection (2) simply defines what the concordats would need to contain to trigger the

[Mr. Ancram]

provision. The same interest would not apply for issues raised before the Council of Ministers that did not relate to devolved matters. I have tried to ensure that the new clause would actively work in the interests not only of Scotland but of the Scottish Parliament and the House of Commons. It would ensure that no major decisions were taken without being scrutinised by those who were elected to scrutinise them.

Mr. Dalyell: Given the scarcity of time, may I put my contribution in the form of five questions? First, how will the concordats be enforced? Secondly, will they be justiciable in courts? Thirdly, how will they be litigated on—indeed, will it be possible to litigate on them? Fourthly, how will concordats on matters such as investment problems, which are only too real—these questions are not hypothetical—be sorted out? Fifthly, will not the whole process depend on amiability and amicability? One would like to assume that there will be amiability and amicability, but, alas, that is not always the case. Finally, I should like—before you bong me out of order, Mr. Deputy Speaker—to express regret that new clause 4, which deals with expenditure on reserved matters, was not discussed.

Mr. John Swinney (North Tayside): I find myself in the altogether surprising position of having some sympathy with the new clause—no doubt the right hon. Member for Devizes (Mr. Ancram) will be equally surprised. Throughout consideration of the Bill, Scottish National party Members have expressed unease about concordats. In being asked to endorse the Bill, we are being asked to take at face value other documents—no one seems to be sure of their status—but are being offered no process through which to scrutinise them. I have seen drafts of concordats on inward investment and on agriculture and fisheries matters—such concordats are being developed in the corridors of power.

Following our previous discussions about concordats, I tabled a number of parliamentary questions to various Departments. I discovered that the Foreign and Commonwealth Office, the Ministry of Defence, the Ministry of Agriculture, Fisheries and Food, the Department for Education and Employment, the Department of the Environment, Transport and the Regions and the Department of Trade and Industry have all discussed the need for concordats on matters that they would deal with in relation to Westminster and the Scottish Parliament. We have seen what purport to be draft copies of the concordats on inward investment and on agriculture, but what status will documents from any of the other Departments have?

The memo on the agriculture concordat states:

"From the MAFF perspective, the concordat is a chance to emphasise their lead UK role and to keep tabs on action by the Scottish Executive. From our perspective"—

that is, the perspective of the Scottish Office—

"it is a chance to keep open the access to the European policy process and to decisions which have to be made at UK level while limiting MAFF interference in Scottish Executive business."

That memo, from a civil servant to a Minister, strikes at the nub of the question of how influential the Scottish Parliament will be in European deliberations. How far will Scottish Parliament lobbying and intervention on agriculture—which is fundamental to my constituency—be compromised by the constraints applied by the concordats?

We are being asked to approve certain arrangements in relation to Scottish representation in Europe that I do not find especially satisfactory and against which my hon. Friend the Member for Moray (Mrs. Ewing) has argued, and now some doubts are being introduced about those arrangements and the nature of the concordats.

Mr. Ancram: The hon. Gentleman was talking about the constraints of the concordats. What worries me about the concordats is that there are no constraints, in that they are not enforceable. Important rights between the Parliaments could be agreed by a concordat that turned out not to be worth the paper it was written on. That is why I want them to come before the House and the Scottish Parliament for approval.

Mr. Swinney: I may say something of more comfort to the right hon. Gentleman later on about the status of the documents and the process of enforceability.

I seek specific assurances on when the concordats are to come into force and what their status will be. A memo to Ministers from a Scottish Office civil servant on the timing of implementation says:

"it is clear that concordats will not come fully into operation until the devolved administration is up and running. However, we"—

presumably, the Scottish Office and the Ministry of Agriculture, Fisheries and Food—

"see considerable advantage in getting the groundwork established well before then and, indeed, operating a period of shadow-running . . . We are therefore aiming with MAFF to get the concordat in more or less final form in order to allow a decent period of shadow-running."

I find that rather bewildering. Here we are, 12 months before the elections to the Scottish Parliament—we have absolutely no idea who will form its Administration—and issues about the development of the concordat are running apace.

The memo contradicts parliamentary answers that I have received, which I find disturbing. The Secretary of State for Defence replied to a written answer:

"In most cases, these discussions are in their early stages in the light of the fact that such agreements cannot be finalised until the Scottish Parliament and the Scottish Executive are established. Parliament will be kept informed of progress on these matters."—[*Official Report*, 28 January 1998; Vol. 305, c. *245-46*.]

A civil servant argues that we can have shadow running with an imaginary Administration, because there is so much doubt about who will be in the driving seat, but Ministers say that the concordats will have no status until the Scottish Executive has signed up to them.

Can we be confident that the powers to be granted to the Scottish Parliament and Executive will in no way be eroded by a Whitehall fix that gets the concordats in place at an early stage? Will there be shadow running, or can we have a guarantee that the development of the concordats will be left until the Scottish Parliament and Executive are up and running? I cannot imagine a Scottish Executive wanting to find that the boys from Whitehall have stitched up most of the details and left it with a fait accompli. That would be an appalling start to the Scottish Parliament's work. Some clarification is essential.

New clause 12 gives us some structure for the scrutiny of the concordats and would oblige both parties—the Scottish Parliament and the House of Commons—to sign up to any concordat. We accept that there must be partnership consent, but it is absolutely unacceptable that before the Scottish Executive is fully operational and able to make recommendations, it should be presented with a fait accompli.

Mr. Wallace: Some form of concordat is undoubtedly necessary to ensure that there is smooth running and a good working relationship between Whitehall and the Scottish Parliament. The new clause highlights ways in which some aspects of the concordats could be more thoroughly rooted, rather than being mere gentlemen's and gentleladies' agreements.

The new clause picks up on amendments tabled in Committee that did not find favour with the Government. The House will recall that we tabled amendments that would have formalised what the block grant should be, and anything that gives us a chance to debate the financial arrangements is probably better than the vagueness in the Bill.

5.45 pm

We were disappointed that the Government did not accept an amendment that would have given the Scottish Parliament rights to representation at discussions in the various European institutions and left the matter on the basis of good will. In so far as the new clause is designed to formalise such an arrangement, it is to be welcomed. Will the right hon. Member for Devizes (Mr. Ancram) confirm that the new clause refers to general procedures and would not require the House and the Scottish Parliament to rush through a debate to give a stamp of approval every time there was to be a delegation to the Council of Ministers?

Mr. Ancram: The new clause refers to

"Any concordat relating to . . . the procedures to be followed when issues relating to devolved matters are raised at the Council of Ministers"

as well as concordats relating to

"the implementation of the provisions of Parts 3 and 4".

That covers the economic provisions, and it is not so much procedure as implementation that is important.

Mr. Wallace: The right hon. Gentleman confirms that the procedures would not impose a cumbersome duty, and that is welcome.

Dr. Godman: The hon. and learned Gentleman will recall that the hon. Member for North Tayside (Mr. Swinney) warned against Members of the Scottish Parliament being stitched up by Whitehall, but is not there a danger of their being stitched up by Westminster? Surely it would be better for concordats to be agreed by representatives of the Government and of the Scottish Parliament.

Mr. Wallace: It is intended that both institutions should have an opportunity—Whitehall through the House, and the Scottish Executive through the Scottish Parliament—to give consent. I take some comfort from the guidance note that states:

"Concordats cannot come into operation until the devolved administrations are operational. Drafts of concordats cannot be put forward for signature until after the Elections in 1999; and agreements reached now cannot be imposed on the devolved administrations."

That is an important point of principle, subject to the one caveat that, as we all know, he or she who pens the first draft usually manages to influence the way in which matters develop.

It will be incumbent on the Scottish Executive, whatever its complexion, to be strong-minded and examine all the concordats critically. I am sure that the vast majority will be acceptable, but I hope that the Executive and, ultimately, the Parliament, will have the will to insist on changes if it is felt that the best interests of Scotland are being compromised through an agreement that has already been struck.

Mr. Dominic Grieve (Beaconsfield): I am delighted to find myself agreeing, on this occasion, with the hon. Member for North Tayside (Mr. Swinney).

We have had much discussion about concordats during our debates on the Bill. Let me pick up what was said by the hon. Member for Linlithgow (Mr. Dalyell). I am sure that the Minister will accept that concordats came into being to regulate disputes and areas of possible conflict between Departments subject to single Cabinet responsibility. Officials could reach agreements, and the Ministers in charge of them could either carry the can, or smooth out disagreements at the appropriate level.

That has not always worked. I remember being involved in a case in which it was clear that the Ministry of Agriculture, Fisheries and Food in England and its Scottish Office equivalent were at loggerheads. A Scottish trawler man was prosecuted in Grimsby, and it was advanced in his defence that he had been told that something authorised by the Department in Scotland had not been authorised by London. He was given an absolute discharge, having, as I recollect, proved his case. In that instance, a concordat had not operated successfully.

I am sure that the Minister will agree that concordats will be applied to a completely new situation and set of rules. We are, however, in an extraordinary position. The Government have introduced legislation which, on the one hand, emphasises such things as the sovereignty of the Scottish Parliament in the areas devolved to it, and, on the other hand, when it comes down to the nitty gritty of concordats, appears blithely to assume that everything will go on as before. It is clear that it cannot.

The hon. Member for North Tayside was right to say that, when the Scottish Parliament is up and running, nothing could be better calculated to sour the relationship between it and this Parliament—which we, as Conservatives, want to operate as smoothly as possible—than concordats that appear to be behind-the-door stitch-ups by a common civil service. I have grave doubts about whether the common civil service can survive the passage of the Bill, but the underlying assumption about the operation of the concordats is that it will.

I welcome new clause 12, and hope that the Government will consider it seriously. Here, for once, is a point on which all Opposition parties appear to be united. There is considerable merit and force in the new clause. Unless the operation of the agreements is seen to be transparent—and that can happen only if they are

[Mr. Dominic Grieve]

brought before the Scottish Parliament and the House for approval—there will be a fertile area for conspiracy theorists. I must say that, in some contexts, I am beginning to think that the conspiracy theorists may have a point.

The Achilles' heel of the Government's proposals is the idea—which may have been born of the notion that the same party would be in power in both Edinburgh and Westminster—that day-to-day government could be smoothly conducted through back-door agreements. That simply will not be possible, and we shall therefore have to live with the consequences of devolution. Agreements must be transparent, negotiated and argued about, and the best way in which to do that is to submit them for approval by both Houses.

I welcome the new clause, and commend it to the House. I believe that it will have to be considerably widened, as there is no room for concordats in a framework of devolved government—all decisions will have to be made and approved by both Houses—but, leaving that to one side, the new clause is a step in the right direction, and is the only step that we can take, given that our previous criticisms have been rejected.

Mr. McLeish: The proposals for the concordats appeared at paragraph 4.13 of the White Paper. We are talking about a good communications system between the Scottish Executive and its Departments and the United Kingdom Government. We want mutual understanding, and an appropriate exchange of information. We want advance notification, and joint working. That is simply about agreements. There is nothing sensational about having an agreement between the Parliaments on serious issues. Against that background—unfortunately, given the spirit in which the new clause was tabled—we must reject new clause 12.

The new clause develops the theme introduced in Committee by the right hon. Member for Devizes (Mr. Ancram), who wanted all concordats to be approved by both Houses of Parliament, and to be logged in a public register. Now he wants certain concordats—relating to Europe and finance—to be approved by the Scottish Parliament and the House of Commons. I can see that that represents a more balanced approach, but we cannot agree to the new clause.

As I explained in Committee, the purpose of the proposed concordats is not to cover matters that should more properly be dealt with by legislation. There is no hidden agenda. We have published guidance for Departments explaining what concordats are intended to achieve, which is the promotion of effective communications, and joint working between the Scottish Executive and UK Departments. Among other things, the guidance makes it clear that the proposed concordats cannot come into force—and this touches on the point made by the hon. Member for North Tayside (Mr. Swinney)—until the Scottish Executive has been established, and is in a position to agree to them.

It is right that work on drafting such agreements should begin during the run-up to devolution, but there is no question of the Scottish Executive's being presented with a fait accompli. Guidance also makes it clear that the concordats are not intended to be legally binding, or to create legal duties or liabilities for either party. I can give a categorical assurance that there will be no Whitehall fix. The concordats will not come into operation until the Scottish Executive and, of course, the UK Government have approved them.

Mr. Dalyell: What bothers us is what will happen if there is no such understanding. Assuredly, sooner or later, there will be none, because there will be arguments about money. There will be tremendous pressure on the Scottish Executive and the Members of the Holyrood Parliament to secure more money for projects for education, health and housing, and for everything else that has been promised. I fear that talk about mutual understanding, which I agree is highly desirable, is whistling in the wind.

Mr. McLeish: With great respect to my hon. Friend, I share neither his pessimism nor his cynicism about what may happen when the Parliament is established. These are working agreements, and there is nothing sensational about that. We want to ensure that, in creating a new institution of government in Scotland, we have a sensible working relationship between the UK Government and the Scottish Executive. Nothing could be more reasonable than the achievement of that, and our efforts must clearly be directed towards it.

Mr. Wallace: The Minister has indicated that the concordats would not be legally binding. How would he answer the earlier point made by the hon. Member for Linlithgow (Mr. Dalyell) about whether they would be judicially reviewable—not in a case taken by the Parliament, but perhaps in a case taken by an individual who felt prejudiced by, for example, a concordat on inward investment?

Mr. McLeish: The hon. and learned Gentleman asks a good question. The concordats are not intended to be legally binding contracts, or to substitute for matters properly covered by the Bill. However, it is likely that they will be justiciable to an extent. For example, if the Scottish Executive did not follow the consultation procedure set out in a concordat, it could be judicially challenged on the ground that the concordat had created a legitimate expectation that the procedure would be followed.

Mr. Swinney: I have listened carefully to the Minister's explanation, which has led me to conclude that there is no point in the concordats. The quotation that I gave earlier cast some uncertainty over the Scottish Parliament's access to Europe, and raised the determination of the Ministry of Agriculture, Fisheries and Food to have greater access. Those substantial issues are covered in the Bill. The concordats will, I suspect, provide a further interpretation, which gives a totally different flavour to the Minister's comments.

Mr. McLeish: It simply does not. We are talking not about different interpretations but about working agreements in relation to Europe and MAFF. There should be no sinister undertones suggesting that what is in the Bill and what has been discussed in the House will be undermined, distorted or interpreted differently. The concordats are simply working agreements, and, on that basis, it is sensible to operate them in the areas that we have identified.

The new clause would introduce a formal parliamentary procedure in relation to concordats that such non-statutory agreements do not merit. Concordats will be agreements covering joint working between the Scottish Executive and the United Kingdom Government. They will not be treaties between the two Administrations, nor will they be a means of constraining the discretion of the United Kingdom or the Scottish Parliament. I hope that, in the light of this constructive but brief debate, the right hon. Member for Devizes (Mr. Ancram) will see fit to withdraw the motion.

6 pm

Mr. Ancram: I am disappointed by that reply, which does not come to the nub of the matter. I did not table new clause 12 because I thought that it was the ideal way to deal with the matter: on finance and European representation, I sought, as did Liberal Democrat Members, to table amendments to the Bill to secure assurances and guarantees on those two important matters. The Minister told us then that, however important those matters were, everything would be all right because they would be dealt with by concordat: he did not say that we were talking about simple working arrangements sorting out sensible relationships between Departments. On enormously important issues, such as whether Scotland will have a proper voice in Europe on agriculture or fishing, we were told, "Don't worry, it's all going to be in concordats." Now we are told that the concordats are non-justiciable—

Mr. McLeish *indicated dissent.*

Mr. Ancram: Well, they are not legally enforceable. They will not come before this House or the Scottish Parliament, whose endorsement would give them weight. The Scottish public are being firmly and openly sold a pup. I tabled new clause 12 in good faith, having listened to the arguments that were advanced against my earlier amendments. I advanced it on a restricted basis—not to cover all concordats, as the Minister suggested at the end of his remarks—narrowing it to those two crucial areas. The Minister always claims to be a listening Minister and I should have thought that he would listen to the arguments advanced not only by me but by Members from other Opposition parties and accept new clause 12. His response is totally unsatisfactory and I ask my hon. Friends to support the new clause in the Lobby.

Question put, That the clause be read a Second time:—

The House divided: Ayes 166, Noes 278.

Division No. 271] **[6.1 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Beggs, Roy
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Burstow, Paul
Butterfill, John
Cable, Dr Vincent
Cash, William
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Cunningham, Ms Roseanna *(Perth)*
Curry, Rt Hon David
Daffis, Cynog
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Ewing, Mrs Margaret
Faber, David
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
George, Andrew *(St Ives)*
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gorrie, Donald
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hammond, Philip
Hancock, Mike
Hawkins, Nick
Hayes, John
Heathcoat-Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Morgan, Alasdair *(Galloway)*
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Salmond, Alex
Sanders, Adrian
Sayeed, Jonathan
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swinney, John
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tonge, Dr Jenny
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Wallace, James
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Welsh, Andrew
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and
Mr. Oliver Heald.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Stephen
Campbell, Alan (Tynemouth)
Campbell, Mrs Anne *(C'bridge)*
Campbell–Savours, Dale
Canavan, Dennis
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chisholm, Malcolm
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Dismore, Andrew
Dobbin, Jim
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Galbraith, Sam
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hughes, Ms Beverley *(Stretford)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Jones, Barry *(Alyn & Deeside)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Livingstone, Ken
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Starkey, Dr Phyllis
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Ms Bridget Prentice and
Mr. Kevin Hughes.

Question accordingly negatived.

New clause 17

CROSS–BORDER RESERVED BODIES

'.—(1) For the purposes of this Act the bodies as defined in subsections (2) and (3) of this section shall be cross–border reserved bodies.

(2) Cross-border reserved bodies shall be public bodies, including regulatory bodies, whose responsibilities include reserved matters but whose remit covers Scotland.

(3) Without prejudice to the generality of the foregoing, such bodies shall include—

(a) the BBC,

(b) the Independent Television Commission,

(c) the Radiocommunications Agency,

(d) the Post Office,

(e) the Commission for Racial Equality,

(f) the Equal Opportunities Commission,

(g) Governmental Departments, Ministers of the Crown, non-departmental public bodies and Departmental Agencies.

(4) The Parliament shall have the power to summon witnesses and require the production of documents from cross-border reserved bodies.'.—*[Ms Roseanna Cunningham.]*

Brought up, and read the First time.

Ms Roseanna Cunningham (Perth): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendments Nos. 41 to 45, 152 to 158, 160 to 180, 202, 233, 249, 206, 214 and 220.

Ms Cunningham: I am conscious that there is little time for the debate on the new clause, so I shall try to be as brief as possible.

New clause 17 is an attempt to get around the vexed question of accountability of bodies that deal in reserved matters, but are nevertheless of fundamental importance to Scotland. Effectively, we are proposing a new category of cross-border reserved bodies, which would exist alongside cross-border public bodies as defined in the Bill. The new category would comprise public bodies, including regulatory bodies, whose responsibilities include reserved matters, but whose remit covers Scotland; we have listed them in the new clause.

The Government amendments make two fundamental changes to the cross-border public bodies by changing the definition and widening the category to include Government Departments and officials already included in new clause 17. Rather than specify and modify the bodies by subordinate legislation, the Government now plan to achieve that by Order in Council. In practical terms, it may make no difference, but I hope that that will not be a mechanism whereby the relevant Westminster Departments can hide behind the Queen's authority—something I am known for being unhappy about.

6.15 pm

Our new clause would give the Scottish Parliament the power to summon witnesses and require evidence, rather than being able only to invite them. The underlying principles are fourfold. First, the new clause is about openness and accountability. We may not be permitted to legislate for bodies such as the BBC or the Post Office, but it is essential that we can scrutinise them and call them to account in matters that directly affect Scotland.

In recent weeks, we have witnessed an example in the shape of the United Kingdom Atomic Energy Authority and the catalogue of errors at Dounreay. Would a Scottish Parliament have had the power to summon Roy Nelson to give evidence? As I read the Bill—the Minister may wish to comment—we might have been able to summon Mr. Nelson to answer questions in respect of environmental issues, which would cover the underestimation of radioactive emissions, but we could not have called him to answer questions about the security issues arising from Chief Constable Tony Pointer's resignation, or about industrial issues, such as the plans for the use or disposal of the Georgian waste.

I can only imagine the rancour that would result. Frequently throughout our debates on the Scottish Parliament, hon. Members on both sides have stated that it is important for us to minimise the likelihood of such rancour, but if we do not build in a system such as is proposed in new clause 17, there will be a greater likelihood of such clashes occurring.

The other example, which I have used earlier in our proceedings on the Bill, is that of the "Panorama" interview of John Major broadcast during the 1995 Scottish elections. As far as I can see, John Birt would not have been required to answer to the Scottish Parliament. The Minister may argue that Mr. Birt might have agreed to come and speak to us, but there would have been nothing a Scottish Parliament could do had he refused to do so. Such issues are bound to arise and, sooner or later, we shall have a great deal of angry debate and frustration being expressed because of the Parliament's inability to call to account people or bodies that have an important role to play in Scottish life.

The Scottish Parliament has been billed as a Parliament with teeth, but so far, they look more like milk teeth than real teeth and we ought to try to beef them up a bit where possible. That is the second major principle underlying the new clause. Thirdly, there is the issue of pulling rank, in that the Bill appears to put people like John Birt above the reach of the Scottish Parliament. I fear that that will lead to a belittling of the Parliament from the outset and give rise to many of the grievances and arguments that everybody has said they do not want.

Finally—I make this point in all sincerity—this Bill is about devolution, not independence. What I am proposing would not be appropriate if we were discussing a constitution for independence, but we are discussing devolution, and it ought to be perfectly possible and logical to set up procedures such as those outlined in new clause 17. There need be no problem with those procedures and I hope that the Government intend seriously to consider them.

Mr. Oliver Heald (North-East Hertfordshire): The arguments that have been deployed reveal some of the problems that are bound to result from the illogical way in which the reserved powers are set out in the Bill. If equal opportunities law is separated from equal opportunities policy, policy on misuse of drugs is separated from policy on crime in general, or issues such as abortion and euthanasia—which obviously have much in common—are separated, there will be areas of dispute.

I remember that in our earlier debates, the official Opposition and the Scottish National party argued that there was no logic in broadcasting not being a matter that could be dealt with by the Scottish Parliament. There were also arguments about who could be summoned by the Scottish Parliament. The SNP argued for a wider group of bodies than those that deal simply with devolved

[Mr. Oliver Heald]

matters. The debate on new clause 17 harks back to the two themes of the reserved powers and their illogicality, and the problem of who can be held accountable to the Scottish Parliament.

The solution in the new clause—whereby certain public bodies are designated cross-border reserved bodies—simply to allow witnesses to be summoned and asked to produce documents for the Scottish Parliament is a good wheeze. I congratulate the Scottish National party on its ingenuity. However, the Opposition do not accept the new clause because it is too wide and would cause difficulties. It is for the Government to explain how the Bill can be a source of settled law for the people of Scotland when there are already so many internal disputes. The fuzzy boundary between the powers is bound to be exploited by the Scottish National party, and it is time that the Government came up with a better solution.

The Government amendments rename cross-border public bodies as authorities and widen that term by including non-statutory bodies, offices, office holders and Government Departments. They provide for subordinate legislation under clauses 84 and 85 to be introduced by Order in Council. They contrast those authorities with the Scottish public authorities, which are local authorities, and define Scottish public authorities in clause 111.

Three questions arise from the Government amendments. First, the extension of the definition of cross-border public bodies to include non-statutory bodies, office holders, Government Departments and so on clearly aims to include certain authorities that were not previously included. Who are the main contenders to be included in the new category, and why?

Secondly, the Minister has provided that the subordinate legislation under clauses 84 and 85 should be made by Order in Council, with procedure here and in Edinburgh. Can he reassure the House that that will be dealt with by affirmative procedure and, if not, will he explain why not? Clearly, such legislation is important because it would modify a range of laws.

Thirdly, a Scottish Parliament will be able to legislate in respect of a Scottish public authority such as a council, which has a mixture of reserved and non-reserved functions. For example, management of housing benefit would be reserved, but is dealt with by local authorities in Scotland. What will be the restrictions on the Parliament's ability to legislate? Will it be able to interfere with the operation of the reserved functions?

For example, what safeguards are there against a change being made by the Parliament that would have adverse side-effects on the administration of housing benefit? Is there any way in which such a law could be prevented? Should it be prevented? What is the Minister's view on that issue? Clause 33 contains a mechanism, which is known as the governor general clause, by which the Secretary of State can intervene, but that would not be consistent with the position that I have described. I look forward to the Minister's answers.

Mr. Dalyell: The smile on the face of the hon. Member for Moray (Mrs. Ewing) revealed what I had suspected: this is not quite as artless a new clause as has been made out.

Mr. Alasdair Morgan: Perhaps she is happy.

Mr. Dalyell: Perhaps she is happy—she has plenty to be happy about in the Bill.

I suspect that the new clause could be subtitled "the haul John Birt up to Holyrood and give him a thorough pasting on a rack" clause. From the assent of the hon. Members for Moray and for Perth (Ms Cunningham), I suspect that I am nearer the truth than the House might think. I ask my hon. Friends, is not the new clause and the thought behind it a device to create friction?

Mr. Gorrie: I strongly support the new clause in the name of Scottish National party Members. It is an attempt to deal with some of the issues, including broadcasting, equal opportunities and racial equality, on which other hon. Members and I tabled amendments in Committee. I am sorry that the hon. Member for Linlithgow (Mr. Dalyell) seems to have a new doctrine that gloom must pervade all Members of the House at all times. Although we must all make our own judgment, I think that he is mistaken and that the new clause is a genuine attempt to produce a reasonable modus operandi which would reduce friction. For that reason, I am happy to support it.

I have read the numerous Government amendments and not seen anything sinister in them, but that may be my fault, and I look forward to the Minister explaining them.

Mr. McLeish: The hon. Member for Edinburgh, West (Mr. Gorrie) has made an excellent judgment on the Government amendments, and I am sure that it will hold for the last few minutes of the debate.

I shall deal specifically with new clause 17 in the name of the hon. Member for Perth (Ms Cunningham). We have reserved bodies, devolved bodies and cross-border public bodies. The new clause would create a new category of cross-border reserved bodies. The Government's policy on the power of the Scottish Parliament to summon witnesses and documents from bodies operating in Scotland with responsibilities only in reserved areas was clearly set out in the White Paper. We recognise the importance of those bodies in the economic and social life of Scotland. For that reason, the Parliament will be able to invite such bodies to give evidence. I know that that is not acceptable to the Scottish nationalists.

Rightly, bodies that are active in devolved areas could be held to account by the Scottish Parliament for their activities in those areas. However, it would wrong for the Parliament to be able to hold bodies to account for their activities in reserved areas because the direct line of responsibility and accountability lies at Westminster.

Mr. Heald: If the Scots people are dissatisfied with broadcasting in Scotland, why should they not be able to force the person in charge of it to come before the Parliament?

Mr. McLeish: We have discussed that matter in some detail previously. We are trying to make a judgment about reserved and devolved areas, and I think that we have arrived at a balanced settlement. In light of my comments—which have been unbelievably brief—I hope that the hon. Lady will withdraw her new clause.

In addition, we propose that there should be devolution of functions under clause 59 in some cases. For example, Scottish Ministers will be consulted about the appointment of one member of some bodies, including the Equal Opportunities Commission, the Commission

for Racial Equality, the Independent Television Commission—to which the new clause refers—and the Radio Authority. Those bodies will make their annual reports available to Scottish Ministers so that they can present them to the Scottish Parliament. Arrangements will also be made so that Scottish Ministers are consulted about advice to Her Majesty regarding the appointment of the BBC national governor for Scotland. I am afraid that it is difficult to go into much detail in the time available.

6.30 pm

Ms Roseanna Cunningham: Perhaps the Minister will answer one question: what does he think will be the reaction of the Scottish Parliament or Scotland at large when the first refusal to an invitation is received—which is what will happen?

Mr. McLeish: I live in a realpolitik and I understand the import of the hon. Lady's comments. This settlement is about devolution. It reserves matters to Westminster where the legislative competence will lie and it devolves matters to Scotland where the legislative competence will lie. Through myriad complex organisations, we are attempting to introduce a settlement that will endure and that looks logical not only to Scots and Members of the Scottish Parliament, but to those in England, in Wales and at Westminster. It is a question of balance. That is why I hope that, despite the difficulties, we have arrived at a fair settlement.

The Scottish Parliament will be able to discuss reserved matters and make its views known in many areas. I expect that if the Scottish Parliament issues an invitation in a constructive manner, many people will want to respond beyond the issue of the devolved areas where the Parliament will have a statutory right to demand attendance.

Because of the brevity of the discussion, I shall write to all hon. Members who have raised points and I shall answer the three questions posed by the official Opposition. I apologise that I have not had time to go into the detail of the Government's amendments, but they are mainly technical amendments which will improve the Bill and do nothing more than that.

Ms Cunningham: I am sorry to hear the Minister's reply, which I think that he will live to regret. I shall not press the matter to a vote this evening, but I think that it will come back to haunt him. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New clause 18

CONSTITUTIONAL COURT

'.—(1) There shall be a Constitutional Court in the United Kingdom.

(2) Questions on the vires or legislative competence of any Bill or provision of a Bill under this Act shall be referred to the Constitutional Court for a decision.

(3) The Constitutional Court shall consist of fourteen members, six elected by the House of Commons, six elected by the Scottish Parliament, the Lord Chancellor and the Lord Advocate.

(4) No member of the Constitutional Court shall sit and act as a member of the court in proceedings under this Act unless he—

(a) holds or has held high judicial office;

(b) has been a member of the Scottish or English bar for a period of ten years;

(c) has been a registered solicitor in Scotland or England for a period of fifteen years;

(d) is or has been a professor of law or legal studies in the United Kingdom for a period of ten years.

(5) Her Majesty may by Order in Council—

(a) confer on the Constitutional Court in relation to proceedings under this Act such powers as Her Majesty considers necessary or expedient; and

(b) make rules for regulating the procedure in relation to proceedings under this Act before the Constitutional Court.

(6) In this section "proceedings under this Act" means proceedings on a question referred to the Constitutional Court under section 32 or proceedings under Schedule 6.'.—*[Mr. Salmond.]*

Brought up, and read the First time.

Mr. Salmond: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 75, in clause 31, page 15, line 29, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 97, in page 15, line 31, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 98, in page 15, leave out lines 37 and 38 and insert—

'"Constitutional Court" means the body established under section (*Constitutional Court*).'.

No. 99, in clause 32, page 15, line 41, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 100, in clause 34, page 16, line 45, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 78, in schedule 6, page 79, line 40, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 79, in page 79, line 43, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 81, in page 80, line 3, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 82, in page 80, line 10, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 83, in page 80, line 11, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 101, in page 81, line 5, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 87, in page 81, line 9, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 88, in page 81, line 10, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 90, in page 81, line 40, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 102, in page 82, line 4, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 91, in page 82, line 5, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 93, in page 82, line 10, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 103, in page 82, line 16, leave out 'Judicial Committee' and insert 'Constitutional Court'.

[Mr. Deputy Speaker]

No. 95, in page 82, line 19, leave out 'Judicial Committee' and insert 'Constitutional Court'.

No. 76, in clause 94, page 42, line 17, leave out from beginning to end of line 36.

No. 117, in page 42, line 33, at end insert—

'(d) provide such resources to the Judicial Committee as Her Majesty considers necessary or expedient.'.

No. 122, in schedule 7, page 88, line 1, after 'counsel', insert 'or a solicitor'.

No. 123, in page 88, line 7, after 'counsel', insert 'or a solicitor'.

Mr. Salmond: That is quite a mouthful, Mr. Deputy Speaker. New clause 18 allows us to debate briefly a matter to which we did not do justice in Committee. I welcome the opportunity to explore that in a little more detail now.

We are considering what will happen in the event of a dispute between the Scottish and Westminster Parliaments and resolving what may or may not be vires or extra vires in terms of what the Scottish Parliament wants to do. New clause 18 proposes replacing the Judicial Committee of the Privy Council, which has authority in the Bill as the body that adjudicates on disputes and vires matters for the Parliament, and creating a constitutional court comprising 14 members: six elected by the Scottish Parliament and six elected by Westminster with a Lord Advocate and a Lord Chancellor. The members of the court will be senior judges or advocates of 10 years' standing, solicitors of 15 years' standing or professors of law or legal studies in the United Kingdom of 10 years' standing.

According to subsection (4), prospective members do not have to have all four qualifications—just one of the four will suffice. I thank the hon. and learned Member for Orkney and Shetland (Mr. Wallace) for pointing that out to me. I am not sure whether a Bill in respect of that legal advice can be expected or whether the hon. and learned Gentleman is protecting his position in case he wishes to serve on that constitutional court. Whatever the reason, I am grateful to him for drawing it to my attention. We must debate this important matter.

We have chosen a model based on the German constitutional court, which has been exported recently to Spain and Mexico. We propose that, like the German model, the court's membership should be widely drawn from legal and academic experts. The key points in this discussion are the deficiencies which I see in the Judicial Committee of the Privy Council.

Hon. Members may or may not be aware that the Judicial Committee consists of more than 100 people—only two of whom are women. The average age of members of the Judicial Committee of the Privy Council is 67. Of the judges on the committee, there are more from New Zealand—14—than from Scotland, which has nine. In addition, because of the way in which the committee is formed, there are several obvious political appointees. Eleven committee members are former Tory Ministers from the Governments of Lady Thatcher and the right hon. Member for Huntingdon (Mr. Major). Only four members of the Judicial Committee are current Labour Ministers, and the vast majority of members are from England.

Mr. Desmond Browne (Kilmarnock and Loudoun): The hon. Gentleman's analysis of the membership of the Judicial Committee is very interesting, but does he have one jot of evidence to suggest that that has influenced the decisions of that body at any time?

Mr. Salmond: The hon. Gentleman is on very dangerous ground. For example, only two out of more than 100 Judicial Committee members are women. We hope to achieve more gender equality in the Scottish Parliament than is evident in this place. It is particularly important to recognise that only two women serve on the Judicial Committee—and the hon. Gentleman would do well to appreciate that fact. It is not good enough to say that it does not matter that there is a huge gender imbalance on the Committee, an imbalance in terms of the nationalities and backgrounds of members, or that the average age of members is 67. In the normal course of events, those aspects would affect members' outlook on the various disputes that they were asked to resolve. Furthermore, I do not think that a committee that is so dramatically unrepresentative of the legal profession—never mind of society as a whole—is best placed to judge important political disputes between the Scottish and Westminster Parliaments.

I must be fair to the Minister, who has written to me in some detail about this matter. I shall share with the House some arguments that he has advanced.

Mr. Heald: I have read new clause 18, which talks about decisions regarding vires and legislative competence. They are not political issues, but issues of law. Is the hon. Gentleman seriously advocating establishing a political court?

Mr. Salmond: I have said that the requirements for serving on the court would be judicial office or judicial qualifications. A body that adjudicates on political disputes must be seen to be fair and balanced in terms of its background and the way in which it reflects both sides of the argument. If it is not, many people will believe that the body has predetermined notions about what judgments should be arrived at. If the House will allow me to reveal who the Minister says might hear such matters, we might make some progress in examining possible flaws in the Bill.

Mr. Browne *rose—*

Mr. Salmond: I shall give the hon. Gentleman one more go, and then I must proceed as time is limited.

Mr. Browne: I have one more question before we move from the terms of the new clause and the qualifications for membership of the constitutional court. Is the hon. Gentleman suggesting that those who have been registered as solicitors in Scotland for 15 years, and possibly never practised, and those who have been members of the Scottish or English Bars for 10 years, and possibly never practised, will be qualified to sit on the court?

Mr. Salmond: Is the hon. Gentleman suggesting that being the Leader of the House, which is one of the qualifications for being a member of the Judicial Committee of the Privy Council, is necessarily a good qualification for membership of that body? Our argument is that some legal qualifications—some background and

training in the law—might be a useful requirement. The Judicial Committee of the Privy Council seems to be made up of people who were hangovers from the Governments of Lady Thatcher. I am not certain that that is a suitable panel to move into the new politics that we are trying to develop between the Scottish Parliament and the Westminster Parliament.

In his letter to me, the Minister stated:

"The Judicial Committee of the Privy Council will be composed of those members of the Privy Council, not over 75,"—

that is important, as it rules out a substantial number of members of the Judicial Committee—

"who hold or have held the Office of Lord of Appeal in Ordinary or high judicial office in the UK. This would include past and present judges of the Court of Session who are Privy Councillors. Membership of the JCPC for devolution hearings is therefore more restricted than for other hearings. For example, the present and former Lord Presidents of the Council will not be eligible to sit, nor will Commonwealth judges."

Clearly, that does not deal with my points about gender inequality or the background of the judges.

The Minister continued:

"The actual composition of the JCPC to hear devolution cases will be decided by the senior Lord of Appeal in Ordinary. Normally we would expect the case to be heard by 5 Lords of Appeal in Ordinary, although this may not always be possible. It is very unlikely that Scottish judges would not be represented on the panel for devolution cases. That is usually the case for Scottish civil law appeals which are referred to the House of Lords. However, members of the panel will not be chosen to represent national interests."

If I can compress what the Minister told me in his letters, that means that, in key cases, Scots judges may not be involved in the decision and, if they are, they will certainly be in a minority. An understanding of Scots law does not seem to be a requirement for deciding the legitimacy of Acts of the Scottish Parliament. That, to me, is unacceptable.

Our proposal would, in contrast, produce a more balanced court, which would include a wider range of expertise and understanding of Scots and constitutional law and be democratically appointed by both Parliaments. The composition of any panel of judges would be decided by the court as a whole. It is unlikely that all 14 judges would sit in judgment in any one case. The figure is likely to be five, as in the Government's proposal, but two or three of them would have some familiarity with the Scottish legal system. I am surprised that, as a member of that fine profession, the hon. Member for Kilmarnock and Loudoun (Mr. Browne) does not seem to think that that would be a useful requirement.

We are debating the way in which disputes between the two Parliaments can be arbitrated fairly. It is not good enough to pick an existing institution for whatever purpose, however it was formed and whatever elements it contains. The development of the Judicial Committee of the Privy Council has been complex, like Topsy. We should examine the best practice elsewhere in Europe—the German constitutional court is an extremely useful example—and see how that can be transported to meet the requirements of fair arbitration between the Scottish and Westminster Parliaments.

If hon. Members are uncomfortable with the notion that the Parliaments should have equal standing in nominating members of the court, that betrays an attitude that regards the Scottish Parliament as subservient and the Westminster Parliament as its master—far better to move to a balanced situation, where both Parliaments enjoy equal and mutual respect in the resolution of disputes.

Mr. Browne *rose—*

Mr. Salmond: I have given way twice to the hon. Gentleman, and I shall not give way again, or his hon. Friends will get crowded out.

Mr. McLeish *indicated assent.*

Mr. Salmond: I saw the Minister nodding vigorously when I refused that intervention.

This debate, and the attitude towards such a proposal, is a touchstone in determining whether hon. Members regard the Scottish Parliament as a real Parliament, entitled to real respect, or as akin to a subservient council, which this Parliament and its institutions could dispose of as they will.

6.45 pm

Mr. Heald: Perhaps I should declare an interest, as I think that I would be technically qualified to be a member of the court proposed by the hon. Member for Banff and Buchan (Mr. Salmond). Listening to his argument as it unrolled, one felt increasingly uneasy at what he was suggesting. He was proposing a court that was not a court, but a political body, with representatives fighting for each country. Such a body could be influenced by feelings of national pride.

One of our proudest boasts about British courts is that they have not been partial. Our judges have been able to consider the law and make decisions uncluttered by concerns about politics, patriotism and so on. It would be a great pity if we set up a kangaroo political court to deal with the issues under discussion. It is in the interests of all the countries in the family of the United Kingdom that we should have the sort of courts that we have enjoyed in Scotland, England and Wales—courts that are impartial and on whose judgment one can rely.

As a barrister, I practised in the courts in England and Wales for many years. I often did not like the decisions that judges made, but I never had the slightest doubt that they were doing their duty, concerned to reach a proper decision on the facts and the law.

Mr. Salmond: First, is the spokesman for the official Opposition unaware that some members hold office on the Judicial Committee by virtue of political office? Secondly, would he describe the German constitutional court as a kangaroo court, given the system of nomination to it, which is similar to what we propose?

Mr. Heald: The Lord Chancellor does not sit in court doing a political job; he does the job of a judge. To suggest that members of the court are acting in a political role is so far from the truth that it beggars belief.

Many hon. Members want to speak in the debate, so I shall be brief. The Opposition proposed that the House of Lords Appellate Committee should be the arbiter in these matters. That would deal with some of the hon. Gentleman's complaints. For example, there would be

[Mr. Heald]

fewer members of the panel, there would not be judges from New Zealand, and there would be strong representation of the excellent Scottish judges we have.

Mr. Dalyell: What we are discussing is an embryo, if not an actual, proto-constitutional court. If we are embarking on that road, there ought to be a statement at the Dispatch Box from the Prime Minister and no other Minister, because that is entirely new in British politics. The decisions taken by the court would, frankly, be political decisions. Do not tell me that there could be any meaningful argument without it being highly political. To set up a court to take quasi and actual political decisions requires a statement from my right hon. Friend the Prime Minister at the Dispatch Box, outlining the Government's policy on these matters.

I have one question to my hon. Friend the Minister. If there is a constitutional court, what is the Government's view of what would be decided by that court? We ought to hear the scope of any such body which, as I said, will be new in British politics. In the short time available, I hope that my hon. Friend will deal with that question.

Mr. Wallace: There is a case for a constitutional court. In the context of the many constitutional changes that are taking place, the country should have a constitutional court. However, the new clause is not some kind of touchstone, a virility symbol for the Scottish Parliament. A touchstone should be crafted somewhat better than new clause 18.

There is not just the technical point of whether one has to qualify under all four headings. For example, the Lord Advocate should not be a member of the court. His role should be to plead before the court, not to be a member of it. There is also no provision for the composition of the court in any given case, and Scottish representation might still not necessarily be achieved.

My biggest concern is that the new clause falls foul of the danger—to which the hon. Member for Banff and Buchan (Mr. Salmond) referred—that the system could develop like Topsy. A constitutional court will ultimately be needed because there will be questions of vires between the Welsh assembly and the House, between the Scottish Parliament and the House, and on human rights, freedom of information and Northern Ireland. If we are to go ahead, we should do so properly, not on the basis of just one dimension of the evolving constitutional argument.

That was the thinking in the Scottish Constitutional Convention when we considered whether we should opt for a constitutional court or the Judicial Committee of the Privy Council. The view was taken that a constitutional court, while ultimately being the desirable end point, could not be achieved in the context of the Scotland Bill. Therefore, the JCPC was chosen as the best of what was there.

Is there any way of ensuring that, in any sitting of the JCPC, there is Scottish representation? It is a question not of justice being done, but of it being seen to be done. Lawyers here will no doubt accept that those who sit on the Judicial Committee will act judicially, but try to explain that if a decision went against the position taken by the Scottish Parliament and the JCPC did not contain a single Scot. It would no doubt be legally right, but try to explain that to a sceptical population who would, no doubt, see some conspiracy there.

Dr. Godman: On the last question raised by the hon. and learned Member for Orkney and Shetland (Mr. Wallace), I remind him that the composition of the tribunal inquiring into Bloody Sunday has been broadly accepted by the families of the men and youths who were shot on that terrible day. The judge who will chair the tribunal is an English Law Lord and the other two jurists are from elsewhere in the Commonwealth.

I think that I was the first in the House to ask the Secretary of State to give sympathetic consideration, with his ministerial colleagues, to the setting up of a constitutional court. New clause 18 states:

"There shall be a Constitutional Court in the United Kingdom."

It goes on to talk exclusively of Scotland and England. I know that I shall be reminded that we are debating the Scotland Bill, but I believe that there will be a massive vote in support of the yes campaign in the referendum in Northern Ireland on 22 May, and the House will shortly afterwards debate a Northern Ireland Bill. What then of the new clause which states:

"There shall be a Constitutional Court in the United Kingdom."?

Would that have to be amended to include judges from the Northern Ireland judiciary? If the clause had referred to a British constitutional court, that might be a different matter.

Mr. Salmond: Let me put the hon. Gentleman's mind at rest. If the Minister tells me that he accepts the principle of a constitutional court, I shall be amenable to accelerating the time scale this evening.

Dr. Godman: I am suggesting that the new clause should be withdrawn until we reach that Northern Ireland legislation concerning the setting up in Northern Ireland of an assembly which I hope will be more akin to the Scottish Parliament than to the Welsh assembly.

Mr. McLeish: The Government recommend that the House reject new clause 18 proposed by the Scottish National party.

Again, the issue should not be seen in the context of current parliamentary or Government circumstances at Westminster plus what we shall have at Holyrood. The nationalists try to pretend that we are moving towards some independence model. The basis of this settlement is devolution, not federalism, which is basically the model adopted, quite legitimately, by the SNP to frame some of its ideas. The measure is not about independence; it seeks to allow issues concerning vires to be resolved in the most constructive and effective way possible.

It is dangerous to suggest that we introduce politics into the court; that we introduce a kind of Scotland-England issue into the court. At the end of the day, we need to consider the legality surrounding a particular issue, not to politicise everything. That may be the nationalists' wish, but it does not lead to good or sensible government.

The Government reject new clause 18 and the consequential amendments. The new clause would create a constitutional court to replace the role currently

provided for the Judicial Committee of the Privy Council in determining questions concerning the legislative competence of the Scottish Parliament.

Before dealing in detail with the SNP's proposal for a constitutional court, I shall discuss the existing arrangements that are within the Bill's competence. The policy that the Bill reflects was summarised in chapter 4 of the White Paper. It recognised that, from time to time, the Scottish Executive and the UK Government would take different views of the Scottish Parliament's legislative powers. In most cases, we expect that they should be able to resolve such views quickly and amicably.

The Government recognised that, at times, there would be disputes and that it would be necessary to have a mechanism to resolve such disputes. The Government consider that the JCPC would be the appropriate body ultimately to resolve such issues.

The Government do not support the proposed creation of a constitutional court. It is not necessary to try to create a new structure. The JCPC already exists. It has vast experience of dealing with constitutional issues from the Commonwealth. It is ideally placed to resolve any disputes about vires.

It is wrong to suggest, as hon. Members have, that issues will not be fairly considered and will be dominated by an English bias. The JCPC is an impartial body. I have no doubt that each case will be decided on its merits after careful consideration of the facts of the case. Of course, the decision of the JCPC will be final.

Mr. Salmond: Will the Minister confirm that it is possible under the arrangements that he is defending for a devolution case to be judged by the JCPC with no Scottish judge on that committee?

Mr. McLeish: It is our intention that that will not happen. Our intention is to ensure that the JCPC considers issues on their merit. We are not trying to introduce politics into every conceivable decision. The veiled threat from the nationalists this evening is: "Beware of the Scottish Parliament because, when we are members of that body, we will talk about cross-border public bodies and there will be trouble for the first person whom we invite who does not come." That has been stated.

Because the constitutional court may have English judges, there is some suggestion that we cannot resolve matters as vires, that we have to politicise everything. That is a dangerous attitude. It is not constructive and it does not augur well for the good sensible government that Scotland requires from the first day the Scottish Members of Parliament are elected.

Mr. Grieve: Does the Minister accept that I, as an English Member of Parliament, would not mind if five Scottish members of the JCPC determined such issues? That is completely irrelevant.

7 pm

Mr. McLeish: The point has been made. The Government have no doubt that each case will be decided on its merits after careful consideration.

Clause 94 provides that, for this purpose, the JCPC will be composed of members who hold or have held the office of Lord of Appeal in Ordinary or high judicial office in the UK. That will include the judges of the Court of Session who are Privy Councillors. It is difficult to imagine how the members of any constitutional court could be better qualified.

The Government's approach is based on the belief that such issues should be decided as a matter of law, not of politics. Involving this House and the Scottish Parliament in the election of members of a constitutional court would inevitably politicise the process and raise questions about the independence of the court's members—would they be genuinely free to make up their minds, or would they be beholden to the body that elected them?

The involvement of the Lord Chancellor and the Lord Advocate—members of their respective Administrations—could also politicise the process of dispute resolution. Indeed, the suggestion that the Lord Advocate should be a member of the court ignores the fact that, as Law Officer to the Scottish Executive, he would be responsible for instituting and defending proceedings for the determination of a devolution issue. Under the model in the new clause, there would be an initial conflict of interest. It is nonsensical to suggest that he could present the case for the Scottish Executive and then rule on it.

I was interested in whom else the SNP considers appropriate to hear such cases. Although there are many eminent advocates, solicitors and law professors with considerable experience in the legal system, I admit that the combined judicial experience of the Judicial Committee would be difficult to equal. It is hard to escape that conclusion in terms of competence in law and legal issues.

The Government believe that there should be a mechanism to ensure independent consideration of devolution issues. In the Judicial Committee, the Bill provides that. I urge the hon. Member for Banff and Buchan (Mr. Salmond) to ask leave to withdraw the motion.

Mr. Salmond: The Minister gave the game away. I asked him whether a case could be judged with no Scottish representative on the Judicial Committee. He replied that the Government intend to ensure that that does not happen. They can do that only by political direction on the composition of the body taking the case. He cannot have it both ways.

Mr. McLeish: Grow up.

Mr. Salmond: The Minister says that I should grow up, but let us examine the matter. Either the composition of the Judicial Committee would be such that it would be free to judge such cases with no concern for nationality, background or political influence or the Minister, because he has realised the sensitivity of the situation, wants at least one representative from a Scottish legal background to sit in judgment of such cases. He cannot have it both ways.

I was incredibly surprised, but delighted in some ways, by the naivety of some hon. Members, who talked as if the judicial process were totally removed from politics. Many members of the Judicial Committee of the Privy Council held political office and owe their appointment to politics. The Minister presents a political argument

[Mr. Salmond]

against a constitutional court and for pure judicial principle in the existing arrangements. However, that does not sustain serious examination.

I have much more sympathy with the hon. Member for Greenock and Inverclyde (Dr. Godman) and the hon. and learned Member for Orkney and Shetland (Mr. Wallace), who said that, although a constitutional court was necessary, we should perhaps not have such a court as this and should take into account the variety of developments that are taking place. We would have accepted the principle if the Minister had said, "That's exactly what we are going to do; we are going to think about it." However, he did not say that.

The Minister has argued that the Judicial Committee of the Privy Council—an archaic, Topsy-like institution—can accommodate such disputes. That is not the case. Its composition does not stand up to serious examination, and in such circumstances my hon. Friends and I shall most certainly press the new clause to a vote.

This is not an independence new clause; it cannot be.

It being two and a half hours after the commencement of proceedings on consideration of the Bill, MR. DEPUTY SPEAKER, *pursuant to the Order [13 January] and the Resolution [this day], put forth, with the Question already proposed from the Chair.*

Question put, That the clause be read a Second time:—

The House divided: Ayes 8, Noes 388.

Division No. 272] **[7.3 pm**

AYES

Bell, Martin *(Tatton)*
Cunningham, Ms Roseanna *(Perth)*
Dafis, Cynog
Ewing, Mrs Margaret
Llwyd, Elfyn
Salmond, Alex
Swinney, John
Wigley, Rt Hon Dafydd

Tellers for the Ayes:
Mr. Alasdair Morgan and Mr. Andrew Welsh.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Ancram, Rt Hon Mich ael
Anderson, Donald *(Swansea E)*
Arbuthnot, James
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Atkinson, Peter *(Hexham)*
Baldry, Tony
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Beith, Rt Hon A J
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunt, Crispin
Boateng, Paul
Borrow, David
Boswell, Tim
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brady, Graham
Brake, Tom
Brazier, Julian
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Bruce, Ian *(S Dorset)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burns, Simon
Burstow, Paul
Butler, Mrs Christine
Butterfill, John
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell–Savours, Dale
Canavan, Dennis
Caplin, Ivor
Casale, Roger
Cash, William
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chisholm, Malcolm
Clapham, Michael
Clappison, James
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clifton–Brown, Geoffrey
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Collins, Tim
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Cran, James
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Curry, Rt Hon David
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Quentin *(Grantham)*
Day, Stephen
Dean, Mrs Janet
Dewar, Rt Hon Donald
Dismore, Andrew
Dobbin, Jim
Doran, Frank
Dorrell, Rt Hon Stephen
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Emery, Rt Hon Sir Peter
Ennis, Jeff
Etherington, Bill
Faber, David
Fallon, Michael
Fatchett, Derek
Fearn, Ronnie
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Forth, Rt Hon Eric
Foster, Michael Jabez *(Hastings)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Galbraith, Sam
Gale, Roger
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibb, Nick
Gibson, Dr Ian
Gillan, Mrs Cheryl
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Greenway, John
Grieve, Dominic
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hammond, Philip
Hancock, Mike
Hanson, David
Hayes, John
Heal, Mrs Sylvia
Heald, Oliver
Healey, John
Heathcoat–Amory, Rt Hon David
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Hogg, Rt Hon Douglas
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Horam, John
Howard, Rt Hon Michael
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hunter, Andrew
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jack, Rt Hon Michael
Jackson, Helen *(Hillsborough)*
Jackson, Robert *(Wantage)*
Jamieson, David
Jenkin, Bernard
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Jones, Barry *(Alyn & Deeside)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
King, Rt Hon Tom *(Bridgwater)*
Kingham, Ms Tess
Kirkbride, Miss Julie
Kirkwood, Archy
Ladyman, Dr Stephen

Laing, Mrs Eleanor
Lait, Mrs Jacqui
Laxton, Bob
Leslie, Christopher
Letwin, Oliver
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Dr Julian *(New Forest E)*
Lewis, Terry *(Worsley)*
Lidington, David
Linton, Martin
Livingstone, Ken
Livsey, Richard
Lock, David
Loughton, Tim
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
McDonnell, John
McFall, John
MacGregor, Rt Hon John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
Maclean, Rt Hon David
McLeish, Henry
McLoughlin, Patrick
McNamara, Kevin
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Malins, Humfrey
Mallaber, Judy
Mandelson, Peter
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Mates, Michael
Meacher, Rt Hon Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Norris, Dan
Oaten, Mark
O'Brien, Mike *(N Warks)*
Olner, Bill
Organ, Mrs Diana
Page, Richard
Paice, James
Palmer, Dr Nick
Paterson, Owen
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickles, Eric
Pickthall, Colin
Pike, Peter L
Pollard, Kerry
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Randall, John
Rapson, Syd
Raynsford, Nick
Redwood, Rt Hon John
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Robertson, Laurence *(Tewk'b'ry)*
Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruane, Chris
Ruddock, Ms Joan
Ruffley, David
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
St Aubyn, Nick
Salter, Martin
Sanders, Adrian
Sawford, Phil
Sayeed, Jonathan
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Spellar, John
Spicer, Sir Michael
Spring, Richard
Starkey, Dr Phyllis
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stott, Roger
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Swayne, Desmond
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trend, Michael
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Tyler, Paul
Tyrie, Andrew
Vaz, Keith
Viggers, Peter
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Wardle, Charles
Warsing, Robert N
Waterson, Nigel
Watts, David
White, Brian
Whitehead, Dr Alan
Whittingdale, John
Wicks, Malcolm
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Winnick, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Janet Anderson and
Mr. Jim Dowd.

Question accordingly negatived.

Schedule 1

CONSTITUENCIES, REGIONS AND REGIONAL MEMBERS

Mr. Wallace: I beg to move amendment No. 61, in page 53, line 9, at end insert—

'(1A) The parliamentary constituencies to which paragraph 1(c) applies are those determined by the Parliamentary Constituencies (Scotland) Order 1995, or those Scottish Parliamentary constituencies determined following a report of the Boundary Commission for Scotland as determined by paragraph 3 of this Schedule, except a parliamentary constituency including either of those islands referred to in paragraphs 1(a) and 1(b).'.

Mr. Deputy Speaker (Mr. Michael J. Martin): With this, it will be convenient to discuss the following amendments: No. 62, in page 53, leave out lines 15 to 17.

No. 63, in page 53, leave out lines 18 to 37 and insert—

'Redistribution of Scottish Parliamentary constituencies—

3. (1) The Boundary Commission for Scotland shall keep under review the representation in the Scottish Parliament and shall submit to the Scottish Executive a report either:

(a) showing the constituencies into which they recommend that Scotland should be divided in order to give effect to the rules set out in Schedule 2 (subject to paragraph 7 thereof) to the Parliamentary Constituencies Act 1986 (hereinafter referred to as the 1986 Act) in so far as they apply to Scotland, or

(b) stating that, in the opinion of the Commission, no alteration is required to be made in order to give effect to the rules set out in Schedule 2 to the 1986 Act (subject to paragraph 7 thereof).

(2) Notwithstanding the provisions of section 81 of this Act, the rules in Schedule 2 of the 1986 Act as they apply to Scotland shall have effect in relation to the redistribution of the Parliamentary constituencies in paragraph 1(c).

(3) Subject to sub–paragraph (5), the provisions in sections 3, 5 and 6 of the 1986 Act shall, in so far as they apply to Scotland, have effect in relation to the reports and the workings of the Boundary Commission for Scotland's review of Parliamentary constituencies for the Scottish Parliament.

(4) Subject to sub–paragraph (5), the provisions in section 4 of the 1986 Act shall have effect in relation to the draft of any Order in Council laid before the Scottish Parliament by the Scottish Executive for giving effect, whether with or without modifications, to the recommendations contained in the report of the Boundary Commission for Scotland.

(5) References to the Secretary of State in the 1986 Act shall, for the purposes of this paragraph, be construed as references to the Scottish Executive and references to "Parliament" in the 1986 Act shall be construed as references to the Scottish Parliament.

[Mr. Michael J. Martin]

(6) The Boundary Commission for Scotland shall submit its first report under this paragraph to the Scottish Executive no later than 30th June 2005.

(7) In that report, the Commission shall also recommend any alteration in any of the regions which, in their opinion, is required to be made in order to give effect to the rules in paragraph 7.

(8) If the Commission do not make any such recommendation under sub–paragraph (7), they shall in the report state that, in their opinion, no such alteration is required.

(9) A report making a recommendation for an alteration in any region shall state the name by which the Commission recommend that the region should be known.'.

No. 64, in page 53, leave out lines 38 to 43.

No. 65, in page 53, line 46, leave out '3(2)' and insert '3(7)'.

Mr. Wallace: The scheme proposed in the Bill is designed principally to take account of the fact that the Government have recognised the need to reduce the number of Scottish Members at Westminster following the establishment of the Scottish Parliament. It also provides for the number of Members of the Scottish Parliament to be reduced to reflect the Westminster constituencies under the first-past-the-post system, and for a pro rata reduction in the number of additional Members in the various regions.

The purpose of the amendment and those associated with it is to retain for the Scottish Parliament the 73 constituencies that exist under the first-past-the-post system and the seven additional Members in each of the eight regions. To achieve that, it would establish a boundary commission for Scotland, whose remit would be to review the 73 Scottish parliamentary constituencies. There are obviously population movements within those constituencies, and it would be important to ensure that those electorates remained of a relatively similar size.

Dr. Godman: In the current addition of *The Scottish Review*, the author of a paper argues that it is almost inevitable, over time, that the number of Scottish MPs in this House will be radically reduced, and that the number of MSPs in the Edinburgh Parliament is also likely to be reduced in the next decade or so.

Mr. Wallace: I think that the hon. Gentleman refers to an article by Mr. John Curtice of Strathclyde university, on which I propose to comment.

Our amendments would retain the separate seats for Orkney and Shetland that are set out in the Bill. I acknowledge the Government's delivery of a commitment at the Scottish Constitutional Convention. When a similar provision was moved in Committee, we said that 129 Members—a figure that was struck after some debate in the convention—were needed so that, after the appointment of Ministers, there were sufficient Members to ensure the establishment of committees.

There is to be a range of committees, such as pre-legislative, departmental and regional. If there is time, my hon. Friend the Member for Edinburgh, West (Mr. Gorrie) will move an amendment on that topic. About 129 Members are required to fulfil all the Parliament's functions, and reducing the number to 104 or 105 would affect its workings.

As the Member for Greenock and Inverclyde (Dr. Godman) said, the number of Members could be substantially reduced as a result of the boundary commission's proposal. The article by John Curtice is far too technical to convey to the House in a short speech, but it shows that the number would creep up because of electoral quotas. The article is entitled "Reinventing the Yo-Yo", and shows that the number of Members will come down and then go back up. It states:

"Far from securing a permanent reduction in the size of the Scottish Parliament, the provisions are likely to result in a Parliament which after a once and for all cut is likely to start gradually increasing in size such that by the middle of the next century it could well have returned to its original size."

We are trying to retain some stability because that is important for the working of the Parliament. Its stability would not be helped if, after three or four years, a quarter of its Members thought that a sword was hanging over them because seats were about to disappear. That would lead to tension and rivalries, and might distract Members of the Scottish Parliament from the work in hand. It would not be healthy for the Parliament.

We do not know what will happen here in future. The Government have set up an electoral commission under the chairmanship of my noble Friend Lord Jenkins of Hillhead to look at different systems of proportional representation. We hope that there will be such a system for elections to Westminster sooner rather than later, and that would have consequences for the Scottish Parliament if it continued to reflect the Westminster model.

Dr. Godman: There may be a new assembly in Northern Ireland, and the Scottish Parliament and the two assemblies may have constituencies that are radically different in size. Is the hon. and learned Gentleman perfectly relaxed about that?

Mr. Wallace: At the moment, some constituencies vary substantially in size. I am not sure what is envisaged in terms of Northern Ireland representation in the House following the establishment of an assembly. We may be about to embark on a substantial change in the way that the Westminster Parliament is elected.

If an additional member system were adopted, there could not possibly be 659 constituencies, because a massive number of top-ups, additional Members, would make the House unwieldy. We need to examine different sizes of constituencies—hence the need for a separate system for Scotland to secure the sort of agreement that was reached at the constitutional convention and is enshrined in the Bill.

Those of us who were in the convention foresaw that there might be changes. In our agreement, which was headed "Scotland's Parliament—Scotland's Right", we said:

"The electoral system for Scotland's Parliament must have stability but it will, of course, be dependent on boundaries established for the Westminster and European Parliaments."

The European Parliament boundaries have disappeared because of the move to proportional representation.

The document continues:

"These may be subject to alteration outwith the control of Scotland's Parliament and it will therefore be necessary to ensure that separate boundary reviews for the Parliament can be carried through with the purpose of maintaining the size of the Parliament

and the integrity of the corrective effect of the additional members. This function will be performed by the Boundary Commission for Scotland."

That is precisely what the amendments seek to do—to retain a Parliament of 129 Members irrespective of a change in the number of Scottish Members at Westminster.

When the matter was raised in Committee, the Minister said:

"there are arguments on both sides, but we believe that the Bill strikes the right balance. I am mindful that he might not wish to press the amendments to a vote this evening; if that is the case, we shall have a chance to look further at the arguments involved."—[*Official Report*, 28 January 1998; Vol. 305, c. 456.]

I am grateful to the Minister for looking further. I hope that my arguments in Committee and here will prove to be compelling.

Mr. Dalyell: It may have occurred to Ministers by now that I am no friend of the legislation. However, even I am not so ill disposed as to wish to see a reduction in the number of Members in the Edinburgh Parliament. Imagine it: within a week of the election, Members would be eyeing one another and wondering what would happen five years hence. Understandably, people would begin to fight for position like Kilkenny cats, because they would know that, at the end of five years, a quarter of them would be axed.

The ill feeling that such knowledge would create from the beginning, and the sickly personal relations that would follow, would be extremely undesirable. I hope that whatever number is chosen is kept up. If there is to be a Parliament, there should be 142 Members to start with, but that is all water under the bridge. The expectation of a reduction is a recipe for such sour ill will that it would be to the advantage of none of us in Scotland.

Mr. Alasdair Morgan: I have two comments. The first is the obvious one that would be made by any man or woman in the street: if 129 Members is reasonable for the Parliament next year, why would it be unreasonable in 10 or 20 years? Why on earth should we start to change the boundaries of a devolved Scottish Parliament simply because there is an argument for changing the Westminster constituencies?

The second issue is more serious. There are two types of Member in the Scottish Parliament and the number of list Members, even under the present system, goes a fair way towards ensuring proportionality, although the precise amount that will be achieved will depend on the results. Nobody can predict how much proportionality will be realised. To some extent, the amount of disproportionality may be increased because there are to be eight regional lists rather than one national list.

To achieve proportionality, it is necessary to have enough top-up seats to even out the imbalances. If the number of available top-up seats is reduced, there is a strong likelihood that proportionality will be diminished, even if first-past-the-post seats are also reduced. We will be back to a much more first-past-the-post system than is proposed in the legislation. Given that one of the main arguments of the people who introduced the legislation was that it did include a very high element of proportional representation, it seems strange that they now accept something that will almost inevitably reduce proportionality.

7.30 pm

Mr. Bernard Jenkin (North Essex): Reflecting on the comments of the hon. Member for Galloway and Upper Nithsdale (Mr. Morgan), I think that we do well to remind the House that a degree of proportionality is not predictable under the hybrid additional member system that we are adopting for the Scottish Parliament. It remains to be seen how proportionally fair the electoral system is compared with a first-past-the-post system.

I draw the House's attention to the comment by the Minister in reply to the previous debate on this subject in Committee, to which the hon. and learned Member for Orkney and Shetland (Mr. Wallace) has alluded. The Minister said that the Bill "strikes the right balance". I compare that with the all too sensible analysis of what is likely to happen by the hon. Member for Linlithgow (Mr. Dalyell). What we have here is far short of the stability that the Scottish Parliament will look for and that Scottish people have a right to expect from the Parliament.

I remind the House that, in Committee, we tabled an amendment to deal with this problem, which was logical in view of the Government's original intentions as expressed in the White Paper. The amendment would change the constituency boundaries before the first elections to the Scottish Parliament, so that the number of MSPs that the Scottish Parliament started with would be the same as the number that it continued with. The representation in the House would be reduced as soon as it was re-elected at a subsequent general election. As I say, what we are left with in the White Paper is just a mess, with 129 MSPs first being selected and then cut.

These amendments give the Scottish Parliament the opportunity to decide whether to maintain the present number or to change the number of constituencies. The key question is: who is to decide the criteria for the Scottish boundary commission? Effectively, that commission will work for two masters. If the brief drawn up for it is analogous to that of the boundary commission that already exists, it will have to have regard to the Westminster constituencies as much as to local government boundaries. There will be confusion as to which is paramount: the Westminster constituencies or the Scottish parliamentary constituencies.

In any case, the Minister, by announcing that the Government are looking to review this—I should be grateful if he would confirm that the Government do intend to table amendments in the other place—shows that this part of the White Paper is extremely ill thought out and ill considered. Whatever the Government now recommend, either here or in the other place, to set this matter straight, it will be a departure from the White Paper.

Dr. Godman: I have some sympathy for a couple of the comments by the hon. Member for North Essex (Mr. Jenkin) on the likely composition of the Edinburgh Parliament. I should not like to guess it. I do not at this moment have much idea at all. The question of proportionality is a different matter. I personally favour the sort of electoral system that we will have for that Parliament. I have always opposed the first-past-the-post system.

The new system will, of course, be of some advantage to the party of the hon. Member for North Essex. As I have said many times, we have an absurd set of

[Dr. Godman]

circumstances concerning this place. About 500,000 Scots voted for Conservative candidates, yet neither the Scottish Conservative party nor those Scots are represented in this Parliament. For all its flaws and loose ends, the system proposed for the new Parliament is much better than the system we have for this place.

I am not altogether arguing that the number of MSPs should in the near future be reduced. I am concerned just about the size of the constituencies represented by MSPs.

I think, for example, if I might digress just for about 14 seconds, that the number of representatives proposed for the Northern Ireland assembly is too high. People say, "Yes, but we are talking there about special circumstances." However, I thought that the aim would be to bring that assembly as near as we could to the normal, everyday life of other assemblies and Parliaments elsewhere in the United Kingdom. It may be that, as the hon. Member for North Essex, who speaks on behalf of the official Opposition, says, it should be left to the Scottish Parliament to determine these matters—for example, how many Members should be in that place.

I say to my hon. and very old Friend the Member for Linlithgow (Mr. Dalyell): I am not particularly concerned about the feelings of the Members of that assembly. I might be if I were one of them and facing the disappearance of my constituency, but I am never going to be in that position. The Parliament has been created for the better governance of Scotland, not to meet the needs, aspirations and concerns of those who will be in that Parliament.

Mr. Dalyell: The better governance of Scotland is not going to be served if Members of the Parliament fight for position like ferrets in a sack, as they assuredly will.

Dr. Godman: We have seen some of that fighting in parties in this place. It is epitomised by the chicken run and people squabbling over boundary changes. I have seen a little of that in Renfrewshire in recent years.

I have some sympathy for the object of the amendments, but, at the same time, the hon. Member for North Essex is absolutely right: these matters must be left to the Members of Parliament in Scotland. At the same time, I caution against the idea that the figure we now have is in some way sacrosanct. Over time, the number of MSPs, or of representatives or deputies—whatever they are called—going into the Northern Ireland assembly, will change. There will be a change in the number of Scots Members in this place.

As I have said, in a general sense, we are, in an unco-ordinated way, moving towards a federal system. I note that more and more Tory Members believe that—

Mr. Jenkin: "Unco-ordinated" is the word.

Dr. Godman: I think it is. We are moving along that road. The hon. Member for Epping Forest (Mrs. Laing) shakes her head vehemently. I do not think that she wants Scotland to move in any way from the UK. I think that her heart is in a Scottish constituency somewhere, but that is another story.

Mr. Alasdair Morgan: Does the hon. Gentleman accept the point that I was trying to make: the more we reduce the overall number and the first-past-the-post and list Members pro rata, the less likely we are to achieve a proportional outcome in any given election?

Dr. Godman: I agree, and I thought that the hon. Gentleman put his case intelligently and concisely. We do have problems relating to proportionality. There are problems with any system that we think of. God forgive us for thinking about the Knesset and the dreadful system of proportional representation there. I would not inflict the Irish system on a Scottish Parliament or on the assembly that is to be created in the six counties. However, the system proposed—even if the numbers are reduced—for all its loose ends, is much better than what we have in this place. Although there may be a reduction in the number of MSPs, it will still be a better and fairer system than the ridiculous, anachronistic system for electing hon. Members to this place.

Mr. John Hayes (South Holland and The Deepings): The hon. Member for Linlithgow (Mr. Dalyell), not for the first time, exercised a degree of profound observation which has partly stolen my thunder. I agreed with many of his comments—in stark contrast to those of the hon. and learned Member for Orkney and Shetland (Mr. Wallace).

I never cease to be amazed at the Liberal Democrats' ability to pursue facile policies. We heard another example of that ability today. I say that more in sorrow than in anger—no, to be absolutely frank, I say it more in anger than in sorrow. Nevertheless, we learned in the local government elections the electorate's opinion of the Liberal Democrats, who were given just the consolation prize of Liverpool.

The important aspect about this group of amendments is that they would cause damage in three ways. First, as my hon. Friend the Member for North Essex (Mr. Jenkin) said, they are uncertain and unclear about the boundary commission for Scotland's terms of reference. Who will determine the commission's remit, and what will that remit be?

Mr. Wallace: Will the hon. Gentleman please look at amendment No. 63, which states:

"to give effect to the rules set out in Schedule 2 . . . to the Parliamentary Constituencies Act 1986"?

Those are the rules that will apply.

Mr. Hayes: I am delighted by that observation, as it shows that, occasionally, even the facile can have an eye for detail.

Secondly, the inconsistency established by the potential—I accept that there is only a potential—of establishing in Scotland constituencies of a different size from those at Westminster, and the electorate's consequential confusion, will be a nightmare. If the Scottish Parliament—about which I certainly have reservations—is to have credibility, there must be some clarity and comprehensibility about it in the eyes of the electorate.

The notion of different-sized constituencies for elections to Westminster and to the Scottish Parliament is nonsense. Can hon. Members imagine how that would affect political parties and political associations—which, regardless of party, are based on Westminster constituencies? All hon. Members will know that European elections already cause

sufficient difficulty. European elections, because of different-sized constituencies, cause confusion and complications not only for the Conservative party but for the Labour party, and probably even for the Liberal Democrats. Creating another size of constituency would cause an organisational nightmare.

Mr. Alasdair Morgan: I wonder whether the hon. Gentleman might help me by defining the nature of the confusion that will be caused in the minds of the electorate. If I as an elector have one person as my MSP and someone else as my MP, and someone five miles down the road shares the same MP but has a different MSP, how will I be confused? What is the problem?

Mr. Hayes: Surely the nature of the political process makes it important that people should know in which constituency they are electors and constituents. Electorally, we have had great difficulty at all levels, from local government upwards, in establishing in the minds of constituents and electors in which area they reside, who represents them and the functions performed by their representatives at the various tiers. Establishing those facts is a fundamental part of establishing a relationship between the elector and the elected, is it not?

Mr. Tim Collins (Westmorland and Lonsdale): My hon. Friend is making an excellent point. Will he reflect on the media's effect on that confusion? The newspapers that voters will read, and the television news that they will see, will refer variously either to an elector's MP or to his MSP, further aggravating the confusion that my hon. Friend has described.

Mr. Hayes: I am grateful to my hon. Friend, and I entirely agree with his excellent illustration of the point that I was making.

I am not surprised that Liberal Democrat Members are unimpressed by that argument, as their party believes in proportional representation—which would cause a break in the link between the elector and the elected, which is what it would mean. Proportional representation would end the appropriate sense of ownership that electors have for their representatives, and we representatives for our constituencies.

History, and the electorate, will judge very harshly anyone involved in breaking that bond, which is one of the most valuable and important elements in our democratic system. In relation to the Scottish Parliament, this group of amendments goes down that road.

If we are to have a Scottish Parliament and a Welsh assembly, let us make them work well. As the hon. Member for Linlithgow said, it would be nonsense for us, as responsible Members of this Parliament, to get the project off in a fashion that doomed it right from the beginning. If we are to have a Scottish Parliament, let us establish a structure and system that gives it some credibility, and not indulge irrelevant, minority and fringe parties.

7.45 pm

Mr. McLeish: As the hon. and learned Member for Orkney and Shetland (Mr. Wallace) suggested, early in the Committee stage the Government responded to some of the very positive arguments that were made on the link between Scottish parliamentary and United Kingdom parliamentary constituencies, and on the number of Members of the Scottish Parliament.

The hon. Member for Galloway and Upper Nithsdale (Mr. Morgan) made a point on the list system. We are not dealing with an easy matter, as we are dealing not with a first-past-the-post system but with a system in which 73 MSPs will be elected on a first-past-the-post basis, and in which there will be 56 additional Members. The arguments are therefore very complex.

Currently, the Government cannot accept amendment Nos. 61 to 65, which would seek to break the link between constituencies for the UK Parliament and constituencies for the Scottish Parliament. As I said earlier in the debate, hon. Members will recall that we considered similar amendments in Committee.

In Committee, the hon. and learned Member for Orkney and Shetland made a strong and very reasoned case to retain the size of the Scottish Parliament at 129 members. I agreed then—the point has been confirmed in this debate—that the Government would reflect carefully on the issues that he raised.

My right hon. Friend the Secretary of State for Scotland and I have thought long and hard on those matters. We understand the arguments in favour of maintaining the Parliament's size, but we also believe that the Parliament could operate effectively with fewer Members, and that there are good arguments for maintaining the linkage in constituencies. Nevertheless, my hon. Friend the Member for Linlithgow (Mr. Dalyell) has made a valid point. Projecting ahead, we must consider the possible realities of Scotland after the devolution settlement, and within the Scottish Parliament once its 129 Members are elected.

In the White Paper, we explained that we believed that the Union's integrity would be strengthened by having common constituencies for the Scottish Parliament and for the United Kingdom Parliament, with the exception of Orkney and Shetland. Having constituencies that cover the same geographical area will help to encourage liaison between MPs and MSPs in ensuring that the interests of their common electorate are served properly in whichever Parliament is responsible for an issue. Good working relationships between Members of the Scottish Parliament and Westminster will be essential if devolution is to be a success. Contiguous boundaries would have gone some way in ensuring that success.

Over time, the effect of this group of amendments could lead to different parliamentary constituencies for the Scottish Parliament and the UK Parliament, with overlapping boundaries leading—in some people's judgment—to confusion among the electorate. Although that point has been highlighted in the debate, I cannot agree with some of the latter comments on the electorate's confusion.

I do not think that the electorate are as confused as some hon. Members think. Because hon. Members are concerned about boundaries, we assume that the electors also are concerned. However, electors in my constituency are a very sharp, bright bunch—which they demonstrate at every election, by voting in a very superior way.

Mr. Hayes: The Minister was obviously referring to my speech. Does he not agree that, under our two-tier local government system, for example, there was massive confusion among the electorate about their various local

[Mr. Hayes]

representatives in district councils, county councils and regional councils? It took 20 years to dissipate that confusion. Therefore, although I do not underestimate the electorate, surely the Minister will agree that changes in political structure can have a devastating effect on people's understanding of who represents them, and of which authorities do what.

Mr. McLeish: I am sure that, after this debate, the hon. Gentleman and I could discuss the fact that change creates some confusion and some concern. However, we should not use the word "devastating".

Since 1974, we have had a two-tier system of local government, introduced unitary authorities and created European electoral boundaries. We have Westminster parliamentary boundaries, and will soon have elections to the new Scottish Parliament. We should never underestimate the electorate, because the system has worked.

Under two-tier local government, and now unitary authorities, excellent services have been and are provided. People are less concerned with maps and boundaries than they are with the quality of political contribution and of services. Yes, there is an issue, but we would do well to keep it in perspective.

I am sure that, once the Scottish Parliament is established and its working practices are in place, it could operate effectively with fewer MSPs. Fewer Members would still be able to carry out the essential scrutiny of the Scottish Administration and the enactment of legislation.

As this short debate has highlighted, there are clearly good arguments on both sides of the issue. For the reason that I have explained, there is a good argument for maintaining linkage in constituencies. We are still considering the matter, and we hope to reach a conclusion by the time that the Bill goes to another place.

Mr. Dalyell: Here am I defending the interests of Members of the Scottish Parliament. It is very unfair to put them in the position of fighting like Kilkenny cats, squabbling like ferrets in a sack and having the sword of Damocles over them from the very beginning. To put it bluntly, we have the prospect of repeating what happened over Glasgow, Central 30 or 40 times over, writ large from the beginning. Is that fair on the people involved?

Mr. McLeish: With the greatest respect, I do not want to embrace my hon. Friend's extravagant tones concerning ferrets and cats. I think that I have captured the essence of the argument. If we establish a Parliament of 129 Members, there is an expectation that they might want to continue. That is why addressing the realpolitik of the Parliament is part of the wider consideration.

With those few remarks, I hope that the hon. and learned Member for Orkney and Shetland will withdraw his amendment, and allow us to complete that consideration.

Mr. Wallace: The debate has been useful, particularly the observations and the extended metaphors of the hon. Member for Linlithgow (Mr. Dalyell), which illustrated the kind of circumstance that would all too readily arise in the Scottish Parliament if a quarter of its Members had a death sentence hanging over them. Of course, they would not know which quarter that would be, which would make the ferrets in the sack scramble even more.

The hon. Member for Galloway and Upper Nithsdale (Mr. Morgan) made the important point that, although the Government have, to be fair, preserved the 73:56 ratio, the ratio tends to be less proportional when it is applied to fewer people.

I note what the Minister has said. I am encouraged by his remarks—not least his opening comment that the Government could not accept the amendments at present. No doubt my hon. and noble Friends in another place will seek to table them again to ensure that we do not lose sight of the issue. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 4

CANDIDATES

Mr. McLeish: I beg to move amendment No. 26, in page 3, line 12, at end insert—

'( ) A registered political party's regional list has effect in relation to the general election and any vacancy occurring among the regional members after that election and before the next general election'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: Government amendment No. 27.

No. 10, in page 3, leave out lines 33 to 35.

No. 109, in clause 5, page 3, line 37, at end insert—

'[1A] A registered party's regional list must be displayed in a prominent position at each polling place for inspection by any voter.'.

No. 3, in page 3, line 39, after 'may', insert

'(subject to subsection (4) below)'.

No. 11, in page 3, line 40, leave out 'a "regional', and insert 'an "additional member'.

No. 12, in page 3, line 40, leave out from 'vote' to end of line 42.

No. 66, in page 3, line 41, after '(a)', insert

'a candidate who is a member of'.

No. 13, in page 4, leave out lines 1 to 3.

No. 4, in page 4, line 3, at end insert—

'(4) Where an elector gives his vote under section 1(2) for a candidate representing a registered political party, he shall be deemed to have given his additional member vote under this section for the same registered political party and that vote shall be counted accordingly.'.

No. 14, in clause 6, page 4, line 9, leave out 'regional'.

No. 15, in page 4, line 9, leave out second 'the', and insert 'constituency candidates of that'.

No. 67, in clause 7, page 4, line 28, leave out from 'order' to 'except' in line 29 and insert

'of the number of votes cast for the candidates, with the candidate with the highest number of votes being elected first and so on'.

Government amendment No. 28.

No. 17, in clause 8, page 5, line 4, leave out from second 'the' to 'within' in line 5, and insert 'vacancy occurs'.

Government amendments Nos. 29 and 30.

No. 68, in clause 9, page 5, line 26, leave out from 'them' to end of line 27 and insert

'received the greater number of votes.'.

No. 16, in page 5, leave out lines 32 and 33 and insert—

'(7) A vacancy in the seat of a regional member shall not be filled if it occurs within the period of three months ending with the day on which the poll at the next general election would be held, disregarding section 2(5).'.

No. 71, in clause 10, page 5, line 42, at end insert—

'(1A) For the purposes of an election for membership of the Parliament section 1(c) of the Representation of the People Act 1983 shall have effect with "16" substituted for "18".'.

No. 18, in page 5, line 44, after 'constituency', insert 'or regional'.

No. 19, in page 5, line 44, leave out from 'member' to the end of line 1 on page 6.

Government amendments Nos. 31 to 34.

No. 69, in schedule 5, page 62, line 11, leave out 'except the franchise'.

No. 70, in page 62, line 11, at end insert—

'Section 1(c) of the Representation of the People Act 1983 (the minimum voting age for elections to the Parliament)'.

Mr. McLeish: In view of the number of amendments that other right hon. and hon. Members have tabled, I shall try fairly quickly to explain the purpose behind the Government amendments. At this stage, I shall not comment on the other amendments in the group, but with your permission, Mr. Deputy Speaker, I will deal with them if I get an opportunity to wind up the debate.

Amendment No. 26 makes provision for a party list to have effect in relation to a general election to the Parliament and to any vacancy occurring among regional Members after that election and before the next general election. That makes it quite clear that vacancies for regional Members will be filled from the list presented to the electorate at the general election.

Amendment No. 27 makes it clear that a registered party's list of candidates for the purposes of the election of regional Members could contain only one name if the party so wishes.

I turn to amendments Nos. 28, 29 and 30. Amendment No. 28 effectively provides that, where a person on a party's list is returned as a Member, that person should be removed from that list so that he or she would not thereafter be available to fill a vacancy. That corrects a possible anomaly, whereby a Member loses his or her seat through failure to take the oath or by disqualification, but because his or her name is still on the party list, he or she would arguably be entitled to be returned to the Parliament again. If a Member refused to take the oath or was disqualified, he or she should not be considered by the returning officer, and under the amendment, could be removed from the list.

Amendment No. 34 ensures that the order to be prepared under clause 11 can make detailed arrangements for what will happen if two regional parties or individual candidates get the same number of votes. It will also enable the order to regulate the filling of regional vacancies. For example, it has been pointed out that, as the Bill stands, a candidate on a party's regional list who had subsequently resigned from the party could still be returned to fill a vacancy that subsequently arose. That would clearly be absurd.

The House may be interested to learn that we have established a working group involving the four main parties in Scotland, electoral administrators and returning officers to consider the detailed arrangements for the elections. The group will be of assistance to the Scottish Office in preparing the order.

Amendments Nos. 33 and 32 simply improve the drafting of the Bill. I urge the House to accept the Government amendments.

Mr. Ancram: All the Government amendments seem to be moving in a sensible direction, so I shall not comment on them in depth, except to say that here we are again dealing with clause 4, which refers to enactments providing for the registration of political parties, yet we have still not seen the draft legislation. I have protested before about this; it is outrageous. Three Bills have gone through the House without our having seen the draft legislation. We were promised it at the end of March, then soon after Easter. Now, it is the middle of May, and we still have not got it. I register once again a strong protest about that.

The main Conservative amendment, No. 4, relates to the question of split-ticket voting, to which I have referred before. Under the present system, it is possible, by registering a different party name from that under which candidates stand in direct elections, to enhance the number of seats won. I have given figures previously to indicate how that can be done. It is a way of manipulating the system against the spirit of proportionality, and is of considerable concern.

For instance, if last May's figures for the Glasgow electoral region were replicated exactly under the additional member system, Labour would have won 10 seats on direct elections and two on the list system—a total of 12. The Scottish National party would have won three seats on the list—a total of three—and the Conservatives and the Liberal Democrats would have won one each on the list.

If a party splits its ticket and uses an alter ego party, such as the Co-operative party, which the hon. Member for Glasgow, Pollok (Mr. Davidson) has mentioned, and candidates do not stand under Labour on the list system, a totally different picture emerges. Labour would win 10 seats on direct elections and six on the list under the Co-operative party banner. The SNP would win one list seat and the other two parties would win none.

The Secretary of State shakes his head, but that analysis was done by a very senior political lecturer in Aberdeen on behalf—I understand—of the Labour party. It shows that there is a fault. Having tried other methods, we are simply trying in amendment No. 4 to get around the problem by having not two votes but one, so that the vote cast in direct elections for a candidate would count for that candidate's party on the indirect list. That would avoid party manipulation. I admit that it produces a result that would not allow for individual candidates on the

[Mr. Ancram]

regional list, but I hope that the Government will consider it seriously as a way in which to get away from a very dangerous weakness in the system.

Mr. Dalyell: If I am no friend of this Bill, I am an enemy of lists—partly for the reasons that were eloquently given in an earlier debate by the hon. Member for New Forest, West (Mr. Swayne).

I must be one of the few who has seen lists in action. It was when I was exiled to the indirectly elected European Parliament and had friends in the Social Democratic party. They were good politicians and good people, but whenever it came to a crunch issue, their judgment was determined by the reaction back home of Herbert Wehner, who was then the all-powerful floor leader of the SDP. I thought that it was absolutely humiliating for Members of the European Parliament to say, as they did, "Yes, we would like to vote one way, but we cannot anger Herbert Wehner." I know why they could not anger him—he was extremely tough. However, he had absolute power as to where individuals would come on the list next time around.

If there is to be a Scottish Parliament—it is possibly water under the bridge now—there should be 142 or 143 Members, giving gender balance. There should be two Members in each constituency—taking into account Orkney and Shetland—and we should leave it at that. Lists will create endless difficulty and a lot of rancour.

8 pm

Mr. Gorrie: We have tabled a number of amendments, covering two particular points. First, we propose to make the closed-list system an open-list system. Under the Bill, after putting an "X" for their first-past-the-post constituency Member, the voters would put an "X" against the name of the party they support.

We propose that they should put the name of a candidate of the party that they support on the list. Candidates on that list would be elected in order of the number of votes they received from the electorate. The electorate would choose who got in from the party's list, rather than the party managers. We feel that that would be much more democratic, as a closed list gives too much appearance of manipulation by the party and leads to the sort of thing that the hon. Member for Linlithgow (Mr. Dalyell) mentioned.

Secondly, we should consider having votes at 16, rather than 18. The age of voting has come down, and there was a time when women were considered suitable to vote only at 25. The age was moved to 21, and then to 18. There are some countries whose voting ages are less than 18. There is a greater rapidity of maturity among young people, many of whom show great interest in politics. The decisions of the Parliament will affect them greatly, and we should consider a voting age of 16. There is no doubt that our amendment will not be carried today, but it is a marker and we should pursue that issue. I hope that the Minister will consider both those matters favourably.

Mr. Hayes: The hon. Gentleman's argument about the greater maturity and understanding of young people is extremely interesting. Given the different rates at which men and women mature—young women mature much faster than young men—and given the fact that young women do much better academically at a much earlier age, would his party go as far as—

Mr. Deputy Speaker: Order. I must point out to the hon. Gentleman that this is a time-limited debate, and we should not go down that route.

Mr. McLeish: Unfortunately, I have one minute to deal with a number of outstanding amendments and I will have to write to individual Members to respond to the debate. I hope that the House will accept that proposition in good faith, rather than having me start and finish in roughly 30 seconds.

Amendment agreed to.

It being three and a half hours after the commencement of proceedings on consideration of the Bill, MR. DEPUTY SPEAKER, *pursuant to the Order [13 January] and the Resolution [this day], put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Amendment made: No. 27, in page 3, line 13, at end insert

'(but the list may include only one person)'.—*[Mr. McLeish.]*

Clause 7

ALLOCATION OF SEATS TO REGIONAL MEMBERS

Amendment made: No. 28, in page 4, line 29, leave out from 'list' to end of line 30 and insert—

'( ) For the purposes of this section and section 9, a person in a registered political party's regional list who is returned as a member of the Parliament shall be treated as ceasing to be in the list (even if his return is void)'.—*[Mr. McLeish.]*

Clause 9

REGIONAL VACANCIES

Amendments made: No. 29, in page 5, line 22, leave out 'was' and insert 'is'.

No. 30, in page 5, line 22, leave out from 'list' to 'and' in line 23.—*[Mr. McLeish.]*

Clause 11

POWER TO MAKE PROVISION ABOUT ELECTIONS

Amendments made: No. 31, in page 6, line 16, leave out 'and'.

No. 32, in page 6, line 17, after 'where' insert 'the poll at'.

No. 33, in page 6, line 18, leave out 'countermanded or abandoned' and insert

'abandoned (or notice of it is countermanded)'.

No. 34, in page 6, line 19, at end insert

'and

( ) for modifying section 7(6) to ensure the allocation of the correct number of seats for the region.

( ) The provision that may be made under subsection (1)(c) includes, in particular, provision modifying section 9(4) and (5)'.—*[Mr. McLeish.]*

Clause 14

DISQUALIFICATION FROM MEMBERSHIP OF THE PARLIAMENT

Amendments made: No. 35, in page 7, line 13, leave out 'holds an office' and insert 'is an office-holder'.

No. 36, in page 7, line 15, leave out

'A person who holds an office'

and insert 'An office-holder'.

No. 37, in page 7, line 18, leave out 'that office' and insert 'the office-holder'.

No. 38, in page 7, line 18, at end insert—

'( ) In this section "office-holder" includes employee or other post-holder.'.—*[Mr. McLeish.]*

Clause 16

EFFECT OF DISQUALIFICATION

Amendment made: No. 128, in page 8, line 6, at end insert—

'( ) Subsection (2) also has effect subject to section 141 of the Mental Health Act 1983 (mental illness) and section 427 of the Insolvency Act 1986 (sequestration etc); and where, in consequence of either of those sections, the seat of a disqualified member of the Parliament is not vacant he shall not cease to be a member of the Parliament until his seat becomes vacant but—

(a) he shall not participate in any proceedings of the Parliament, and

(b) any of his other rights and privileges as a member of the Parliament may be withdrawn by a resolution of the Parliament.'.—*[Mr. McLeish.]*

Clause 20

SCOTTISH PARLIAMENTARY CORPORATE BODY.

Mr. McLeish: I beg to move amendment No. 39, in page 9, line 18, leave out from first 'the' to end of line 20 and insert

'functions conferred on the corporation by virtue of this Act or any other enactment'.

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendment No. 49.

Mr. McLeish: The Scottish parliamentary corporate body will oversee the administration of the Parliament. It will have a general duty to provide the Parliament with the property, staff and services it requires and it will have powers to appoint staff, to hold and acquire property on behalf of the Parliament and to enter into contracts, as well as representing it in legal matters. However, the Bill leaves scope for further statutory functions to be conferred on the body in the future both by the Scottish Parliament and by Westminster.

Government amendment No. 39 is of a technical nature which makes it clear that further functions may be conferred on the SPCB only by virtue of an enactment, including Acts of the Scottish Parliament and instruments made under such Acts. This is in keeping with its position as a statutory body. It also leaves it to the Parliament to decide whether it should be possible to confer functions on the body by means of a resolution to make provision in an Act to that effect. This will not, however, affect the statutory functions to be carried out by the SPCB under clause 20(3).

Government amendment No. 49 is again a technical amendment which is intended to ensure that, in respect of salaries and pensions of Members of the Scottish Parliament and Executive, the Parliament still has the flexibility to make provision simply by conferring appropriate functions on the SPCB by resolution without having to pass an Act of the Scottish Parliament first.

Mr. Dalyell: I am rather curious about this matter. I think I am right in saying that the present Clerk of the House of Commons and the Clerk Assistant were earmarked to go to Edinburgh last time around to form part of the core and basis of those who would work in the Scottish Parliament. If we are to have a Parliament, we will need a lot of people who are extremely skilled in the disciplines of clerkship. These people do not come out of thin air. What is the Government's thinking on the number of Clerks and others with expertise of this House who will have to go to Edinburgh? Last time around, it was the present Clerk and the Clerk Assistant, and doubtless others. These are people of the highest calibre in their professional field. We ought to know the Government's thinking.

Mr. McLeish: My hon. Friend raises important points of detail regarding the staffing of the Parliament. Suffice it to say that, at this stage, the matters are in hand. The discussions will ensure that we have the highest quality of staff, and will not lead to a two-tier situation in terms of standards. The clerking of the Parliament is vital. I would be happy to write to my hon. Friend to give the details of where we are in terms of his question.

Amendment agreed to.

Clause 21

STANDING ORDERS

Mr. Canavan: I beg to move amendment No. 106, in page 10, line 5, at end insert—

'(3) The standing orders shall include a requirement for every member elected to the Scottish Parliament to be requested to make the following affirmation:

"I do hereby acknowledge the sovereign right of the Scottish people to determine the form of Government best suited to their needs, and do hereby declare and pledge that in all our actions and deliberations their interests shall be paramount.".

and no other affirmation or oath shall be required of members of the Scottish Parliament.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 125, in clause 79, page 36, line 34, leave out from beginning to end of line 11 on page 37.

Mr. Canavan: Clause 79 places a statutory obligation on all persons returned as Members of the Scottish Parliament to take the oath of allegiance, and forbids Members from taking part in any of the proceedings of the Scottish Parliament until such time as the Member takes that oath of allegiance. I assume that the oath of allegiance which is referred to in the Bill is the same as the one taken by Members of this House, who swear to be faithful and to bear true allegiance to the monarch, her heirs and successors.

Standing Order No. 5 of this House states:

[Mr. Canavan]

"Every person returned as a Member of this House may make and subscribe a solemn affirmation in the form prescribed by statute instead of taking an oath."

In other words, if people have religious or other convictions whereby they feel that they cannot take the oath of allegiance, it is open to them to make an affirmation rather than to take that oath—although, of course, to make that affirmation is also solemnly to declare to be faithful and to bear true allegiance to the monarch, her heirs and successors.

The amendment would ensure that there was no statutory requirement on any elected Member of the Scottish Parliament to take any oath or, indeed, to make any affirmation. It would include in the Standing Orders of the Scottish Parliament a request—I emphasise that—that all Members make an affirmation. The wording of that affirmation would be the same as that of the Claim of Right, acknowledging the sovereignty of the people of Scotland. That Claim of Right was signed by members of the Scottish Constitutional Convention, including those Labour and Liberal Democrat Members of the House of Commons representing Scottish constituencies who took part in the convention's inaugural meeting in 1989. The sovereignty of the people is surely the basis of any genuine democracy.

Mr. Jenkin: Hear, hear.

Mr. Canavan: I am pleased to hear the shadow Minister saying, "Hear, hear." We are Members of the House because we were elected by the people. Therefore, our allegiance should be to the people rather than to any king or queen.

Mr. Jenkin: When the President of the United States takes office, he swears an oath of allegiance not to the people, but to the constitution of the United States. Is the hon. Gentleman saying that the United States is not a democracy because of that?

Mr. Canavan: Unlike the United States, this country does not have a written constitution. In any case, the United States constitution acknowledges the sovereignty of the people.

The Scottish Parliament will, I hope, be representative of the people of Scotland as a whole; it will represent the pluralist nature of Scottish society. It may include Members who are royalist and those who are republican; it may include Members who are atheist or agnostic and those who believe in God—in that category, there may be people of different beliefs. They will have in common the fact that they were elected by the people—therefore, they should have allegiance to the people. The amendment would not place a strict obligation on Members to subscribe to the Claim of Right. If, because of royalist or Unionist convictions, Members refused to affirm the Claim of Right, they would not be prevented from taking their seats—the amendment represents a request rather than an obligation.

Nevertheless, I hope that all Members of the Scottish Parliament—and, indeed, all Members of the House of Commons—will acknowledge the sovereign right of the Scottish people to determine the form of government best suited to their needs. That was the basic democratic principle agreed by the Scottish Constitutional Convention, which did much of the preparatory work to the Bill and to the establishment of the Scottish Parliament. It is, therefore, appropriate that all Members of the Scottish Parliament be requested to acknowledge that principle.

Mr. Jenkin: The amendments go to the heart of the likely consequences of the Bill.

The Secretary of State for Scotland (Mr. Donald Dewar): Ah!

Mr. Jenkin: I hear the Secretary of State saying, "Ah!" in a knowing way, perhaps because I am giving him satisfaction by behaving—as he would think—predictably.

Mr. Dewar *indicated assent.*

Mr. Jenkin: The right hon. Gentleman seems to agree. The constitutional effects of the Bill cannot be legislated for. However much we should like to think that the legal technicalities will determine the future politics of Scotland, that will not be the case—as is nowhere better illustrated than by the amendment, which refers to the Claim of Right.

8.15 pm

The Claim of Right—unsurprisingly, given its antecedents—reflects a mediaeval view of sovereignty. Sovereignty is not a question of deciding whether the rulers or the ruled are sovereign. The sovereignty of Parliament does not negate the sovereignty of the people; it reflects an agreement between people, collectively and individually, that their sovereignty is vested in our constitution, so that laws can be made and agreed to with the authority and consent of the people.

Mr. Salmond: If that is the case, why are United Kingdom referendums consultative rather than binding?

Mr. Jenkin: That is a matter for Parliament; Parliament could make a referendum result binding rather than consultative. In any sovereign state—whether a republic or a constitutional monarchy—the authority of the people is vested in the constitution, and the rules of that constitution are the supreme law of that state. People need rules to live together in harmony, and a set of rules is needed on how to make and interpret those rules. Whether a constitution is written or unwritten, the rules of the constitution are the supreme law of the state.

Mr. Salmond: Would not it assist people if the rules in a constitution were written rather than—as in the United Kingdom—unwritten?

Mr. Deputy Speaker: Order. We are drifting away from the amendment.

Mr. Jenkin: I totally agree with your interpretation, Mr. Deputy Speaker. It is irrelevant whether a constitution is written or unwritten—a constitution is the supreme

authority of the land until it is overthrown by the people, in a revolution or through some other extra-constitutional event.

In that respect, all constitutions are sovereign. We swear allegiance to the Queen in the same way as the President of the United States swears his oath of office to the constitution. The hon. Member for Falkirk, West (Mr. Canavan) is right to say that the constitution of the United States explicitly acknowledges the sovereignty of the people, but the British constitution operates in such a way as implicity to acknowledge the sovereignty of the people, as the laws of this country are made in Parliament—they cannot be made without at least the indirect consent of the people.

The Queen is at the heart of our constitution. Indeed, the question at the heart of the Bill is, "Who are the people?" The Claim of Right is inherently nationalist, not because it sets the people against the Westminster Parliament—that dualism does not exist—but because it sets the Scottish people against the peoples of the rest of the United Kingdom.

It is interesting to note that the only individuals elected to this Parliament who refuse to swear an oath acknowledging the sovereignty of Her Majesty are Sinn Fein Members, who cannot take their seats. That exposes their real intention: up to now, they have wanted to overthrow the constitutional order in which they refuse to participate.

The Bill assumes that the seats of those who refuse to take the oath of allegiance will fall vacant. That allows the dangerous possibility that those who refuse to swear allegiance to the democratic constitution of this Union, by swearing allegiance to the Queen, may be repeatedly unseated and re-elected. That is a flaw in the Bill. We should have a system whereby people who refuse to swear allegiance to Her Majesty are prevented from taking their seats, but those seats are not available to be contested unless they resign.

The Secretary of State and his colleagues will tell us that the Claim of Right need not be a nationalistic claim, and that that is demonstrated by the fact that the Scottish people voted for a Scottish Parliament in a Unionist settlement. That is the premise on which all Unionists will seek to build in the future but, as the amendments demonstrate, that view is not universally held by those who are likely to take part in the Scottish Parliament.

In the final analysis, although sovereignty can technically be legislated for, power flows where it will, and in a constitution in which sovereignty derives from the people, the process and flux of politics will determine whether the Scottish people will regard the continuing sovereignty of this Parliament as legitimate or whether the new legal supremacy of Parliament will become an empty shell. The amendments could make Parliament's sovereignty a supremacy that it dare not exercise in defiance of the Scottish Parliament.

For the Union to continue to work—for Holyrood and Westminster to operate effectively together—the Scottish Parliament will need to acknowledge the sovereignty of this Parliament, which is reaffirmed by clause 27(7), but by signing the Claim of Right Ministers have created an expectation of something different. The logic of clause 27(7) is allegiance to the Crown but, by supping with nationalism and aiding and abetting its resentments, Ministers have given credibility to the suggestion that sovereignty permanently lies elsewhere.

If the Claim of Right was right for the Scottish Constitutional Convention when the Secretary of State signed it, why is it not right for the oath of allegiance in the Bill? The answer is that the Claim of Right is not compatible with this Parliament's sovereignty or with the Unionism that Ministers claim to espouse.

Mr. Dalyell: I have the feeling that Ministers are not exuding gratitude to my hon. Friend the Member for Falkirk, West (Mr. Canavan) for having tabled the amendment, because it means that they have to answer the question whether they believe in the Claim of Right, and that is a very direct question. As one who failed to sign the Claim of Right, I am entitled to ask that important question. I notice that the co-signatory to the amendment is the hon. Member for Banff and Buchan (Mr. Salmond), the black bitch himself, who called me a scarecrow and, what is worse, an old scarecrow. This old scarecrow is entitled to ask precisely what is Her Majesty's Ministers' updated position on the Claim of Right.

Mr. Salmond: I am sure that I called the hon. Gentleman a scaremonger, not a scarecrow, but I know that he never says anything that he does not believe to be true. Yesterday, I was called on by the *Edinburgh Evening News* to respond to his suggestion that there should be another referendum in Scotland and that the question should be: "Are you sure that you want to vote for a Scottish Parliament?" For the first time in my political career, I was speechless; but he knows that I respect his integrity. He was indeed the only Labour Member not to sign the Claim of Right, which is encapsulated in the splendid amendment.

I am somewhat bemused by the line taken by the official Opposition. All my political life I have been taught and have believed that there is a tension between the concept of popular sovereignty—sovereignty of the people—and the uniquely British concept of the sovereignty of the Queen in Parliament. The hon. Member for North Essex (Mr. Jenkin) started his speech by saying that there was no such tension, and finished it by saying that there was a tension between the Claim of Right asserting popular sovereignty in Scotland and the concept of the sovereignty of the Queen in Parliament.

There has been a continuing thread through Scottish political thought that emphasises the sovereignty of the people, which is not necessarily in conflict with the monarchy. Many would argue that the declaration of Arbroath promulgated the concept of an elective monarchy. It said, and I paraphrase because I do not have it off by heart, that if good King Robert did not defend the rights and responsibilities of the community of the realm, we could get rid of him and have someone else as the monarch. Monarchy and popular sovereignty are not necessarily in conflict. The question is which has primacy.

The hon. Member for Falkirk, West (Mr. Canavan) and I believe that the sovereignty of the people should have primacy, so the oath of affirmation and the fundamental loyalty of the Members of the Scottish Parliament should be to the well-being of the Scottish people, from whom they derive whatever authority and responsibility they have.

I hope that the Government will accept the amendment. I am led to believe that they may do so by the answer that the Secretary of State gave me almost a year ago. He said:

[Mr. Salmond]

"Even though the hon. Gentleman"—

he was talking about me—

"and I may have differences of interpretation, I hope that he will accept that I should be the last to challenge the sovereignty of the people or deny them the right to opt for any solution to the constitutional question that they wish."—[*Official Report*, 21 May 1997; Vol. 294, c. 725.]

That is a solid affirmation in support of the affirmation called for in the amendment.

The hon. Member for Falkirk, West is splendidly consistent and has argued robustly for many years for a particular position on the constitutional question. There are those in his party who tell me that the nearest that he will get to being a Member of the Scottish Parliament is the visitors' gallery. That would be a great pity for that Parliament. I hope that whoever determines such matters in his party will find the wisdom to allow him to stand. Having argued the cause for many years, he has the right to be there. Whatever happens to this splendid, small but critical amendment, we can be certain that he will affirm the values for which he has stood consistently in Scottish politics for many years. Would that others had his consistency of position on the sovereignty of the people of Scotland.

Mr. Swayne: I have great difficulty even with the language of the amendment. The hon. Member for Falkirk, West (Mr. Canavan) said that the oath was to be voluntary. The amendment says:

"every member elected to the Scottish Parliament to be requested to make the following affirmation",

but that is preceded by the phrase,

"The standing orders shall include a requirement for".

There is merely a requirement that everyone should be asked to take the oath. However, the phrase that follows the oath reads:

"and no other affirmation or oath shall be required of members of the Scottish Parliament."

In other words, that oath is "required". There seems to be a contradiction between the two halves of the amendment.

It strikes me as extraordinary that an oath should be required to be put to Members of the Scottish Parliament, but that they should not be required to take it. What is the purpose of an oath? It is similar to the purpose of a creed. If one goes to church and says the creed, one expresses one's identity and membership of that institution. If one cannot say the creed, one by definition excludes oneself from the Church.

8.30 pm

By specifying an oath for Members of the Scottish Parliament, we are asking them to subscribe to fundamental propositions inherent in the nature of that Parliament. If they cannot do that, they will disqualify themselves, just as hon. Members who refuse to take the oath in the House disqualify themselves from sitting here. They are unable to subscribe to the fundamental consensus that underpins this institution. I fail to see why that should be different in Scotland.

I will go further. To put a proposition to Members of the Scottish Parliament that is fundamentally different from the one put to hon. Members here would be most unsatisfactory. The Bill was put to us on the basis that we would remain a united kingdom. The Bill was supposed to protect the Union. As far as I am concerned, nothing could be more symbolic of the Union than the fact that the two Parliaments would remain united under the Crown, which would be symbolised by having Members of both Parliaments take the same oath.

Giving Members of the Scottish Parliament a very different oath—whether or not it is voluntary—would be most regrettable, although I fear that it may merely be a recognition of the true state of affairs.

Mr. Gorrie: The amendment raises two points. One is an issue that affects the House. Perfectly worthy citizens who hold republican views must, in effect, perjure themselves by swearing an oath of allegiance to Her Majesty. That strikes me as extraordinarily demeaning, and we should address it.

Mr. Jenkin: The hon. Gentleman should not regard it as demeaning. It is not a religion to swear allegiance to Her Majesty the Queen; it is simply a recognition that that state of affairs has the broad consent of the population. The hon. Gentleman may wish to change that, but it is the framework within which to seek to pursue change. To swear allegiance to Her Majesty the Queen is not to declare that one is a royalist.

Mr. Gorrie: With respect, I think that it is. Compelling people to swear things that they do not believe is not the sort of thing that we should do. It does not affect me, but I feel for those for whom it matters.

Mr. Alasdair Morgan: Has the hon. Gentleman reflected on why an oath is necessary at all? No elected councillor or Member of the European Parliament swears an oath, yet they seem perfectly capable of carrying out their functions. What difference does it make?

Mr. Gorrie: I agree. I do not think that an oath is necessary. Either one behaves well, or one does not; no oath will make any difference.

Some Conservative Members seem to feel that the amendment is an independence amendment. They feel that one can sign the Claim of Right only if one favours independence, but that is not true. The people have sovereign power; even the Conservative party accepts that, and numerous Conservatives have said over the years that if the Scottish people vote for independence, they will have independence. The concept of the sovereignty of the people is accepted, but the Conservatives seem to have extraordinary difficulty with devolution, which seems to be a sort of gastric block somewhere in their tubes. That is their problem, and they must deal with it.

The Conservatives accept the sovereignty of the people. Those who signed the Claim of Right, and believe in it, feel that the Scottish people have clearly said that they want a Parliament of their own, but in the United Kingdom. If at some future date a majority say that they want an independent Parliament, that will doubtless happen, but for now the Claim of Right seems reasonable.

Whether the best way in which to proceed is to have a requested oath, I do not know, but the motives behind it are admirable. I do not see why people should have to swear oaths, but if they do, an acknowledgement of the sovereign rights of the Scottish people is a good thing.

Mrs. Eleanor Laing (Epping Forest): Some hon. Members have suggested that the Government might

consider accepting the amendment. I sincerely hope that they do not, for three good reasons. First, the Government cannot accept, or even consider accepting, the amendment if they insist that their plans for devolution are designed to strengthen, not weaken, the Union.

Mr. Salmond: Will the hon. Lady give way?

Mrs. Laing: I have hardly started, but I will stop and start again.

Mr. Salmond: The hon. Lady may hardly have started, but she has made an important point. Is she aware that Ministers, including the Secretary of State and the Minister of State, have already signed such a declaration, in the Claim of Right? Why on earth should they refuse to accept it in the Bill?

Mr. Collins: That is their problem.

Mrs. Laing: That is indeed their problem, but I take the point made by the hon. Member for Banff and Buchan (Mr. Salmond). I believe that it was irresponsible and short-sighted for any hon. Member to sign the so-called Claim of Right—except for members of his party, who really believe in republicanism and a separate Scotland. If, however, the Government insist, as they do, that their plans for devolution are intended to strengthen the Union, they cannot—no matter what they have signed, under whatever misapprehension—accept the amendment.

Mr. Salmond: Perhaps I can tell the hon. Lady a little bit of history. The Scottish National party did not, in fact, sign the Claim of Right, although we believed in it; the question is whether those who did sign it believed in it.

Mrs. Laing: I thank the hon. Gentleman for enlightening us with that little bit of history, as he called it, but we are discussing the serious matter of what will actually be in the Bill. What may or may not have been signed in the past—and I know that we can go all the way back to the declaration of Arbroath and so on and so forth—is very interesting in its historical context, but it is not relevant to the future of Scotland. We are discussing that future, and what will actually be in the Bill.

The amendment is ludicrous for three reasons. First, it would be a complete negation of the United Kingdom. I know that the hon. Member for Banff and Buchan would like that to happen, but I did not know that the hon. Member for Falkirk, West (Mr. Canavan) had aligned himself to such an extent with the Scottish National party. That is entirely up to him, of course, and I accept that he believes in his arguments. However, the rest of his party cannot possibly believe in them. Not only is the amendment a negation of the Union; it negates the position of Her Majesty the Queen as the sovereign in whom we, as an elected Parliament, vest our democratic and constitutional rights.

Mr. Salmond: One last intervention. In her memoirs, "The Downing Street Years", Lady Thatcher said that if the Scottish people were to determine on independence, no English politician, certainly not herself, would gainsay that decision. I paraphrase, but is that not an affirmation from the great Lady Thatcher of the right of sovereignty of the Scottish people?

Mrs. Laing: I appreciate that that is a paraphrase and not exactly what she said, but it is close. I accept that, and, of course, I entirely agree with it. There is nothing wrong with that, but that is not what we are discussing. The hon. Gentleman strays from the point, and I am being too generous in accepting his interventions. Naturally, Lady Thatcher was right. I choose my words carefully. That is why I agree with her and that is why we are not in principle against devolution because it is the will of the Scottish people.

The first reason why the amendment cannot be accepted is that it negates the sovereignty of Her Majesty the Queen, which we vest in her as an elected parliamentary body.

Mr. Collins: My hon. Friend is making a wonderful speech and demonstrating that there is another Conservative woman who is naturally always right. Will she focus on why it is beneficial to those who believe in democracy to vest sovereignty in the monarch? Dictators across the years, from Hitler to Stalin to Saddam Hussein, have all paid lip service to popular sovereignty. Only by having a sovereign above and outside politics can we ensure that we have smooth-running, democratic politics and no risk of dictatorship.

Mrs. Laing: My hon. Friend is right. It is because of the risk of dictatorship and other forms of republicanism that we are proud of our heritage and our constitution, which has at its head Her Majesty the Queen as the sovereign in Parliament. She is not the sovereign alone, but the sovereign in Parliament in making the laws of our country. My hon. Friend's other remarks are probably the nicest thing that anyone has ever said to me.

Mr. Salmond: That will not get you anywhere these days.

Mrs. Laing: That is all I am admitting to anyway.

Secondly, the amendment is an atheist's charter. I respect the rights of anyone who wishes to be an atheist. It is up to each of us personally whether and how we believe in God, or which god we believe in. However, if the amendment were accepted, Members of the Scottish Parliament would have no choice but to make the affirmation. That is out of character with our democratic system. When Members come to this House, they are given the choice of swearing the oath of allegiance by almighty God or affirming. The amendment would mean that MSPs had no choice.

When I took the oath of allegiance a year ago, I heard two new lady Members of the Labour party discussing whether to swear or affirm. One said that she would not swear because she did not believe in God, but the other said that she was not sure whether she would affirm or swear. It amazed me that someone could go so far in life as to become an elected Labour Member without knowing whether she believed in God. Presumably, she was waiting for her bleeper to tell her whether she was supposed to swear or affirm. She had been here for three days, but she had to wait for the "voice of Mr. Mandelson".

[Mrs. Laing]

Thirdly, some MSPs would not be able to say the words in the amendment. I could not if I became an MSP, not that that is possible because I will not stand. The oath of allegiance to Her Majesty the Queen is what binds the United Kingdom together. Members who support this amendment are merely showing, once and for all, that they are bent on the destruction of the United Kingdom.

8.45 pm

Mr. McLeish: I am grateful for the fact that the hon. Member for Epping Forest (Mrs. Laing) has finished, because, the more I listened to her, the more I might have been tempted to go astray on the amendment. I will resist that temptation.

We have to return to the pragmatic decision before us on the two amendments tabled by my hon. Friend the Member for Falkirk, West (Mr. Canavan), whose sincerity is never in doubt. I acknowledge the consistency with which he tabled certain amendments. The Government ask the House to resist amendments Nos. 106 and 125.

Provision has already been made in the Bill for all Members of the Scottish Parliament to take the oath of allegiance provided for by the Promissory Oaths Act 1868 or to make the corresponding affirmation. Members of the Executive will also be required to take the official oath under the 1868 Act and the oath of allegiance, where they have not already taken it as MSPs. That is in line with current practice at Westminster and recognises the relationship between the Parliament and Her Majesty, as has been noted in the debate.

Hon. Members will agree that clause 79 does nothing contentious. It simply makes a similar provision for the taking of the oath for Members of the Scottish Parliament and the Scottish Executive as is required of Members of this House and Ministers, which is entirely appropriate.

Mrs. Ray Michie (Argyll and Bute): The Minister talks about what happens when new Members are elected to the House of Commons. Will he confirm that the practice here whereby the oath can be taken in English, Gaelic or Welsh will be extended to allow the oath to be taken in English or Gaelic in the Scottish Parliament? I was the only Member who took it in Gaelic after the last general election. I hope that the practice will apply to the Scottish Parliament.

Mr. McLeish: That is interesting. We have established a constitutional consultative steering group and done considerable work on identifying virtually every issue that we need to discuss, but I am not sure that that is on the agenda. I assure the hon. Lady that that will happen. We need that consistency. It is a valid point. I will find out whether the point is covered in the deliberations; if it is not, it will be.

Mr. Dalyell: I listened carefully to my hon. Friend. For clarity's sake, does this not mean, to use his word "simply", that the Government, rightly or wrongly, have recanted on the Claim of Right?

Mr. McLeish: Not at all. We have had a rich and heady mix of constitutional, governmental and parliamentary theory, but there is no inconsistency about the comments of my right hon. Friend the Secretary of State for Scotland on the sovereignty of the people, to which the hon. Member for Banff and Buchan (Mr. Salmond) alluded. Nor is the signature of the Claim of Right inconsistent with the points that we are making this evening, in the context of Parliament and of taking the oath.

Hon. Members would no doubt also agree that it is proper that MSPs and members of the Executive take an oath that is symbolic of the relationship between the Parliament, the Executive and Her Majesty.

Mr. Jenkin: I asked the Minister two specific questions, neither of which he has troubled to answer. First, if it was right to sign the Claim of Right as a member of the Scottish Constitutional Convention, why is not the Claim of Right the right oath for a Member of the Scottish Parliament? The Minister has not squared that circle. Does he want to deal with that first before I come back on my second point?

Mr. McLeish *indicated dissent.*

Mr. Jenkin: I generally dislike long interventions, Mr. Deputy Speaker.

My second question refers to clause 79(3), which amendment No. 125 would delete and which states that, if an MSP has not taken the oath

"within the period of two months beginning with the day on which he was returned, or such longer period . . . he shall cease to be a member of the Parliament (so that his seat is vacant)."

Does the Minister understand what a crisis that provision would cause if it applied to this Parliament, with Sinn Fein Members refusing to take the oath and being re-elected again and again on a platform that was designed to undermine the constitution?

Mr. McLeish: On the second point, we have no difficulties with that whatsoever. That is a pragmatic response to a question that, in our judgment, is not relevant.

On the question of the Claim of Right, I alluded to that in my response to my hon. Friend the Member for Linlithgow (Mr. Dalyell). We do not want to indulge in further political and constitutional theory, but I see no inconsistency between the statements made by my right hon. Friend the Secretary of State in response to comments often made by the hon. Member for Banff and Buchan, nor do I see any inconsistency in relation to the constitutional convention. However, we are now dealing with the simple, consistent matter of taking an oath in the new Parliament, and I urge the House to reject the two amendments tabled by my hon. Friend the Member for Falkirk, West.

Mr. Canavan: I am disappointed that my hon. Friend the Minister is recommending rejection of my amendments, because he and I were original signatories of the Claim of Right back in 1989, at the inaugural meeting of the Scottish Constitutional Convention in the assembly hall of the Church of Scotland in The Mound in Edinburgh. I should have thought that, for reasons of consistency if nothing else, he would support my amendment No. 106. Indeed, the Secretary of State and all the Scottish Office Ministers were co-signatories of the

Claim of Right and I deliberately worded my amendment so that its wording was exactly the same as that of the declaration that we all signed nine years ago.

Mr. Jenkin: Perhaps to be consistent with Government policy, MSPs should take both oaths of allegiance—to the Queen and to the Scottish people. I do not suggest that that is Opposition policy, but it might have tempted the Minister, as that appears to be his position.

Mr. Canavan: Under the terms of my amendment, there would be a choice. I would not exclude people who, because of royalist or Unionist convictions, felt that the Claim of Right stuck in their craw. I cannot understand why it should stick in their craw if they are democrats, but, if it did and they refused to take the oath, I would not be in favour of excluding them. Conservative Members appeared to suggest that the practice in the House somehow gives Members of Parliament a choice, but the only choice is to come up after being elected and either take the oath or take the affirmation. If a Member of Parliament refuses both, he or she is not allowed to take part in the proceedings of the House and I should not like to see that replicated in the Scottish Parliament.

The hon. Member for North Essex (Mr. Jenkin) rightly referred to the possibility of a crisis—not a huge constitutional crisis, but a mini-crisis—if a Member or group of Members duly elected by their constituencies refused to take the oath. Clause 79(3) states that, if an MSP has not taken the oath

"within the period of two months beginning with the day on which he was returned, or such longer period as the Parliament may have allowed before the end of that period, he shall cease to be a member of the Parliament (so that his seat is vacant)."

In other words, he or she can then go back to the constituency that elected him or her and seek re-election through a by-election. There could be a whole group of people coming in and out of the Parliament whom the Parliament refused to allow to take their seats because they had not taken the oath. If my amendments were accepted, that would help to avoid such a crisis, so I hope that the hon. Member for North Essex and the rest of the Opposition Front-Bench team will support me.

Mr. Salmond: The hon. Gentleman is coming to the point that crystallises the wisdom of his amendment. Current procedures of the House have led to the state of affairs in which Ministers of the Crown cross their fingers when taking the oath. Under the arrangements in his amendments, it would be left to the Scottish people to decide the fate of anyone who refused to swear allegiance to, or to affirm, the sovereignty of the Scottish people. The hon. Gentleman's solution is a far more democratic solution and is greatly superior to the procedures of the House.

Mr. Canavan: I agree. The democratic principles enshrined in the Claim of Right would have more universal appeal than the principles, if they can be called principles, in the proposed oath—assuming that the proposed oath is the same as the one that we are required to take when taking our seats in the House. I know some people of a republican persuasion who, when taking the oath or affirming, simply acknowledge that the Queen is the de facto Head of State, but who would like this country to have a democratically elected Head of State, rather than a Head of State who has simply inherited that position from her parent.

Some Members, especially new Members, who do not particularly believe in the monarchy might have some crisis of conscience over taking the oath or affirming. That would be avoided by doing away with the requirement completely. I realise that we are talking not about this place—although I would welcome such a development here as well—but about the Scottish Parliament and people taking their seats there.

The criticism of my amendment included the point that it posed a threat to the integrity of the United Kingdom—I believe that the hon. Member for Epping Forest (Mrs. Laing) said that. What is the United Kingdom? Is it, as its name suggests, simply the domain of a monarch? If so, is that really what people are defending when they defend the integrity of the United Kingdom? I should have thought that, if there is an argument for the defence of the United Kingdom, it would be in terms of the bonds of friendship and culture and the social and economic links between the different parts of the United Kingdom. I should not have thought that it was simply a matter of allegiance to the Head of State.

Mrs. Laing: Is not the sovereign the symbolic point of focus for those ties and friendship? It is a united kingdom, with a sovereign at the top. That is why the oath of allegiance is the one oath that binds every person in the United Kingdom, symbolically, to the sovereign.

Mr. Canavan: If the hon. Lady is saying that, if what is now called the United Kingdom developed into a republic, its integrity would somehow be demolished, that is rather a weak argument for the integrity of the United Kingdom. The Queen is also head of the Commonwealth, but it contains many countries that are republics and do not have the Queen as their Head of State.

The hon. Member for North Essex said that the Claim of Right was inherently nationalist. It is not nationalist in a narrow-minded sense. I am sure that most, if not all, of those who subscribe to the Claim of Right for Scotland would also recognise the claim of right of other nations, including those that make up the United Kingdom, particularly Wales and England. There ought to be recognition of other nations' claims of right, as well as of that of the people of Scotland.

I was disappointed to hear the shadow Minister saying that the Claim of Right is somehow mediaeval. I would say that the sovereignty of monarchs, rather than of the people, is a mediaeval concept. The sovereignty of the people is much more relevant to a modern, egalitarian democracy.

Amendment negatived.

Schedule 3

STANDING ORDERS—FURTHER PROVISION

9 pm

Mr. Gorrie: I beg to move amendment No. 111, in page 57, line 39, after 'sub-committees', insert

'other than regional committees and regional sub-committees.'.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this, it will be convenient to discuss amendment No. 112, in page 57, line 40, at end insert—

[Sir Alan Haselhurst]

'(2A) The standing orders shall include provision for ensuring that, in appointing members to regional committees and regional sub–committees, regard is to be had to the balance of parties in the Parliament representing that region.'.

Mr. Gorrie: Will the Minister give an assurance that the Bill would not be misused to prevent the setting up of regional committees that did not fully represent the composition of the Parliament?

It being four and a half hours after the commencement of proceedings on consideration of the Bill, MR. DEPUTY SPEAKER, *pursuant to the Order [13 January] and the Resolution [this day], put forthwith the Question already proposed from the Chair.*

Amendment negatived.

Clause 23

POWER TO CALL FOR WITNESSES AND DOCUMENTS

Mr. McLeish: I beg to move amendment No. 129, in page 11, line 7, leave out 'statutory'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: Government amendments Nos. 137 to 145, 159, 183 to 186, 259, 262, 263 and 198 to 201.

Government new clause 19—*Agreed re–distribution of transferred functions.*

Government amendments Nos. 204, 205, 207, 215, 218 and 221.

Mr. McLeish: With the tolerance and forbearance of the House, we shall proceed.

This is a group of technical amendments to the clauses that are concerned with the transfer of ministerial functions to the Scottish Ministers. It will clarify which functions will transfer down under clause 49. It will clarify the functions that will transfer, including those conferred by prerogative instruments such as royal charters. It will also clarify how the functions of United Kingdom Ministers can be split so as to enable the split functions to transfer under clause 49, and will insert a new clause permitting functions to be transferred from Scottish to United Kingdom Ministers by agreement—for example, in relation to schedule 5—if there is any modification required following discussions. That, in essence, is what new clause 19 seeks to do.

The intent of the amendments is fairly straightforward, and, with the agreement of the House, I shall go through the details as quickly as I can. I refer first to Government amendments Nos. 139, 159, 183, 198, 259, 204, 205 and 218.

Government amendment No. 139 modifies clause 49—which is intended to transfer to the Scottish Ministers those ministerial functions that relate to devolved matters—so that it is clear that it transfers functions that are conferred by prerogative instruments, such as royal charters. Government amendments Nos. 159, 183 and 259 make related amendments to clauses 83, 96 and 100. Government amendment No. 198 amends clause 104 so that the appropriate references to the Ministers of the Crown in prerogative instruments shall be read as references to the Scottish Ministers. In a sense, it is a tidying-up amendment. Government amendments Nos. 204, 205 and 218 provide a definition of prerogative instrument.

Government amendments Nos. 138, 140 to 142, 144, 199 to 201 and 215 are centred around Government amendments Nos. 138 and 140 to 142 to clauses 49 and 50. Their essential purpose is to make it clear that executive functions will transfer if it would be within the Parliament's competence to pass laws enabling a Scottish Minister to exercise the relevant function. Government amendments Nos. 144, 199 to 201 and 215 make consequential technical amendments.

Government amendment No. 143 amends clause 52, which sets out those powers in relation to devolved matters that, despite devolution, are to be exercisable by Ministers of the Crown as well as by the Scottish Ministers. The amendment adds a reference to ministerial powers conferred by Orders in Council implementing United Nations sanctions. That will enable appropriate arrangements to be made for the continuation of licensing of trade in goods and services under such orders.

In most cases, it would make sense for the United Kingdom Government to continue to administer a unified regime of licensing covering both reserved and devolved matters. This amendment will enable that to happen by agreement. Future sanctions orders are not covered: they can make their own provision as to who exercises any licensing functions. I trust that the House will agree that this amendment is necessary as a practical solution to the continued administration of UN sanctions as part of our international obligations.

Government amendment No. 137 inserts a definition of "statutory function" into clause 48. Government amendments Nos. 207 and 221 make consequential changes to clauses 111 and 112. Government amendment No. 145 alters clause 59 so that all forms of ministerial function, not just those conferred by statute, can be executively devolved or modified by Orders in Council under that clause.

That will bring what is possible by executive devolution into line with the intended effect of clause 49 in transferring ministerial functions that relate to devolved matters to the Scottish Ministers. Government amendment No. 129 makes a consequential amendment to clause 23, so that Parliament's power of summons applies in relation to matters that are the subject of non-statutory executively devolved functions as well as statutory ones.

Government amendments Nos. 184, 185 and 186 are technical amendments to the order-making powers in clause 97. Government amendments Nos. 184 and 185 make it clear that such subordinate legislation under that clause can split ministerial functions so that they are exercisable separately within devolved competence for the purpose of facilitating their transfer to the Scottish Ministers. At present, the clause merely mentions the splitting of functions so that they are separately exercisable in, or as regards, Scotland. Government amendment No. 186 deletes clause 97(3), which would be redundant as a result of the proposed amendments to clause 84.

New clause 19, together with Government amendments Nos. 262 and 263, enables Her Majesty by Order in Council—subject to affirmative procedure in both Parliaments—to provide for functions exercisable by the

Scottish Ministers to be exercisable instead by a Minister of the Crown or concurrently with a Minister of the Crown, or by a Minister of the Crown only following consultation or agreement with the Scottish Ministers. The power would ensure that appropriate arrangements could be made for the transfer of functions to the UK Government in consequence of an extension of the list of reserved matters by an Order in Council under clause 29, or of an agreement to vary the functions that were exercisable by the Scottish Ministers under executive devolution.

Mr. Douglas Hogg (Sleaford and North Hykeham): With regard to the Order in Council referred to in new clause 19, can the Minister tell the House whether it is to be made by the affirmative or the negative procedure?

Mr. McLeish: I am sorry that the right hon. and learned Gentleman missed my point; perhaps it was not distinct. The Order in Council will be subject to affirmative procedure in both Parliaments.

Mr. Hogg: In both Parliaments?

Mr. McLeish: In both Parliaments. We are seeking to improve the Bill by adding these technical amendments, which make the splitting of responsibilities clear. We must do that by agreement. If the power is required, it will be subject to affirmative procedure in both Houses, which is appropriate in the circumstances that I have outlined. It could also be used to enable UK Ministers to exercise certain functions on a UK-wide basis—for example, in the collection of certain statistics.

These technical amendments are necessary to make adequate provision for the transfer and exercise of executive functions. The Bill is a major constitutional measure, and the amendments are intended to improve it. As a courtesy to hon. Members, I will be happy to furnish them with further details of each of the amendments, if that is required.

Mr. Heald: In respect of amendment No. 159, which extends the requirements on cross-border public authorities concerning the laying of reports by including bodies that might be required to lay reports before this place under prerogative instrument, would the BBC, as a body under royal charter, be required to lay a report before the Scottish Parliament?

Mr. McLeish: That particular amendment and clause would not have that effect, but we have arranged that the report of the BBC nationally will be placed before the Scottish Parliament. That has been done by agreement, in the context of the cross-border debates that we have had. That is a reserved function, which is covered by other parts of the Bill.

Dr. Fox: During our consideration of the Bill, we have often accused various groups of tabling amendments for various reasons, but clearly the Government did not table this group of amendments to try to steal the headlines from the Foreign Secretary. It is not the most politically contentious group of amendments that we have considered.

I am grateful to the civil servants who spoke to us in advance about the need to table a large number of amendments, but we must ask why there are so many. I seek clarification from the Minister on one or two points, so that those mere mortals among us who do not have law degrees and those outside who pay attention to such matters can have the answers in plainer English.

Amendment No. 138 removes the words

"in or as regards Scotland"

and replaces them with the words "within devolved competence". Why has that change been made? What is the difference? Is it simply drafting, or is a different meaning brought in by the change?

With reference to amendment No. 141, what is the difference between clause 50(2) as it exists in the Bill, and subsections (2)(a) and (b) in the amendment? Again, there seems to be a slight difference that may not be accounted for by drafting.

Can the Minister tell us what amendment No. 142 means in practice? The words

"or purporting to be made by a member of the Scottish Executive is to be read, so far as possible, so as to be within the powers conferred by virtue of this Act"

in clause 50 are to be replaced by the words

"confirmed or approved, or purporting to be made, confirmed or approved".

It would be helpful to the House to know what that change means. I have read the amendment four or five times, and I am none the wiser, so I shall be pleased if he can help us.

On amendment No. 143, the Minister spoke of the need for measures to give effect to Security Council decisions, but how does that square with the reservation for foreign policy in schedule 5? If such a foreign policy decision is entirely reserved to the Westminster Parliament, why is the provision needed? If a particular aspect of foreign policy requires the agreement of the Scottish Parliament, what will happen if the Scottish Parliament does not agree? What will happen to Britain's international obligations?

The Secretary of State told us, I think on Second Reading, that the reason for reserving foreign affairs to Westminster was that we could not afford a split in the responsibility; we could not afford ever to have a situation where the Scottish Parliament did not want to accept international responsibility. What would happen with regard to a Security Council order? If the Scottish Parliament decides that it does not like what the Westminster Government are going along with in terms of sanctions, would not that be a breach of our international obligations, and is that not incompatible with the worst case scenario that the Secretary of State set out at the beginning of the Bill's passage?

9.15 pm

Mr. Collins: My hon. Friend is being a little ungenerous. He should know that, in this Government, even the Foreign Office does not follow British foreign policy.

Dr. Fox: I shall not be drawn into the debate on the Foreign Office. It has had enough damage done to it for one day. A little kindness would be in order at this time of the evening.

How will new clause 19 work? The Minister has outlined to us tonight three mechanisms by which an Order in Council may be made. It may be made

[Dr. Fox]

"by a Minister of the Crown instead of by the member of the Scottish Executive . . . by a Minister of the Crown concurrently with the member of the Scottish Executive, or . . . by a Minister of the Crown only with the agreement of, or after consultation with, a member of the Scottish Executive."

Exactly who will be in charge of initiating which process is taken forward? At what level of Government will that decision be made? That seems crucial in maintaining the political balance between Westminster and the Scottish Parliament, and maintaining the authority of Ministers of the Crown in relation to Ministers in the Scottish Executive. If that is not made clear at this point, there is plenty of room for misinterpretation later, for mischief making and for unnecessary tension.

The Government have tabled new clause 19 as a means of clarifying one or two of the problems which they identified in the drafting of the Bill earlier. But new clause 19, lacking any specific indication of who will initiate the process, who will be responsible for it and who will oversee it, seems to lead toward ever greater confusion.

The House would be grateful to the Minister if he could give us a far more detailed explanation of exactly how the mechanisms that will bring new clause 19 into play will work in practice. That is not clear from the amendments that have been tabled.

Mr. Dalyell: At an earlier stage in the Bill, I raised the question of a Scottish Parliament and Lockerbie. The hon. Member for Banff and Buchan (Mr. Salmond) acidly commented that at last I had found a reason for supporting the Scottish Parliament. With that introduction, I come to amendment No. 143 to clause 52, which states:

"any Order in Council under section 1 of the United Nations Act 1946 (measures to give effect to Security Council decisions)".

My hon. Friend the Minister may recollect that, the night before he brought in the Bill, there was an Adjournment debate on Lockerbie. I think that he is fully cognisant of the problem, but, in terms of amendment No. 143, would Lockerbie, and all that goes with it, be the responsibility of the United Kingdom Parliament or the Parliament in Edinburgh?

Mr. Hogg: I want to follow on from the questions put by my hon. Friend the Member for Woodspring (Dr. Fox) on new clause 19. In particular, I am concerned with subsection (1)(a). I should be extremely grateful if the Minister could explain a little more clearly how that will work. It at least raises the possibility of a quite serious democratic deficit.

As I understand new clause 19(1)(a), an Order in Council may provide for a Minister of the Crown to exercise any devolved functions performed by a member of the Scottish Executive. First, will the Order in Council, under the affirmative procedure, be discussed in the Scottish Parliament and the Westminster Parliament, or in only one Parliament? An Order in Council in respect of a Minister of the Crown should be dealt with only at Westminster, not in the Scottish Parliament. I would welcome clarification of that matter.

Secondly, and differently, as I understand new clause 19(1)(a), the power under the Order in Council could be general and continuing—not specific to the performance of an individual function, but enabling a Minister of the Crown to perform for an extended period the functions usually performed by a member of the Scottish Executive. I would also welcome clarification of that matter.

Lastly and most seriously, assuming that an Order in Council is made empowering a Minister of the Crown to perform the functions usually performed by a member of the Scottish Executive, the Minister of the Crown would not be accountable to the Scottish Parliament, and could give no account for his or her doings to it. Indeed, it is bizarre to suppose that a Minister of the Crown could give an account in this place, because we are, by reason of other measures, precluded from examining devolved business.

If a Minister of the Crown were given powers under new clause 19(1)(a) in respect of business usually transacted by members of the Scottish Executive, to whom would he be accountable? Not to the Scottish Parliament, because he would not be available to it. Would he be accountable to us? We will have no authority over what happens in Scotland, however, so I strongly suspect that new clause 19(1)(a) will create a serious democratic deficit. I very much look forward to hearing what the Minister has to tell us.

Mr. McLeish: I shall deal with new clause 19 first, and try a further explanation. We are devising a structure that will allow Scottish Executive Ministers and Ministers of the Crown at Westminster to deal with devolved and reserved competencies in an orderly fashion. I make that clear to provide context for last question asked by the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg).

New clause 19 will enable the transfer, with the agreement of both Parliaments, of functions exercisable by Scottish Ministers—

Mr. Hogg: I referred to new clause 19(1)(a).

Mr. McLeish: With respect, the right hon. and learned Gentleman asked for answers. I intend to give them.

Mr. Hogg: The Minister is doing his best.

Mr. Deputy Speaker: Order. The Minister has not given way.

Mr. Hogg: I think that the Minister was giving way.

Mr. Deputy Speaker: The Minister has not so far given way.

Mr. McLeish: With the greatest respect, and accepting the right hon. and learned Gentleman's experience in the House, allow me to go through the points he made. I am keen to do so, because he asked a specific question about agreement in both Parliaments. We are talking about functions being handed down—*[Interruption.]* Would the right hon. and learned Gentleman care to listen?

We are dealing with a simple process concerning reserved and devolved functions and Orders in Council, on which there must be agreement. Schedule 5 deals with reserved competencies. There can be adjustments, but they must be agreed by both Houses.

The next issue is where the Order in Council would be dealt with. First, there must be concurrent agreement on an Order in Council straddling reserved and devolved powers. Secondly, some Orders in Council will be dealt with entirely by the Scottish Parliament, because they relate to devolved competencies. Finally, Orders in Council relating to reserved matters are dealt with at Westminster. The position is not as complex as hon. Members are trying to make out. We are trying to give the clauses in the Bill some structure and to refine them so that there is little doubt, confusion and ambiguity about how orders will be dealt with as the process of devolution unfolds.

Dr. Fox: Subsection (1) of new clause 19 states:

"Her Majesty may by Order in Council provide for any functions exercisable by a member of the Scottish Executive to be exercisable—

(a) by a Minister of the Crown instead of by the member of the Scottish Executive".

Subsection (2) states that, where an order is made under subsection (1)(a), it may be

"exercisable by the Minister of the Crown free from any such requirement"

to consult. How is that different from what my right hon. and learned Friend suggested, which was that the new clause creates a democratic deficit as a means of bypassing the mechanism that the Minister has just outlined?

Mr. McLeish: There is no case for any democratic deficit. The new clause is intended to help and to simplify the procedures involved.

Dr. Fox *indicated dissent.*

Mr. McLeish: The hon. Gentleman shakes his head. I assure him that that is the purpose of the new clause. We have no intention of bypassing any particular process. The Bill is designed so that the Westminster Government and the Scottish Executive will have simple processes that will be tried and understood. That is essential for devolution to work.

Mr. Hogg: Let us assume that an Order in Council is made that grants the Minister of the Crown some authority under the Order in Council. Does the Minister concede that the Minister of the Crown cannot be accountable to the Scottish Parliament? To whom is the Minister of the Crown accountable for the exercise of the powers conferred on him under the Order in Council?

Mr. McLeish: There will be a permanent transfer of Executive powers, and he will be responsible to Westminster. That is the terminology of the Bill, and it is straightforward.

Mr. Grieve: I appreciate the Minister's comments. Looked at in one way, what he says must be correct. However, in view of the discussion that we have had about the limits on the powers of the Secretary of State for Scotland—I assume that he would be exercising these powers—and the ability of the House to question it, if that unlikely turn of events were to happen, would it not be impossible under the Standing Orders of the House, as they would then be, for us to question him about these matters?

Mr. McLeish: The hon. Gentleman said that the matter could be looked at from another perspective. I am explaining the issue from the perspective of the Bill. There may be a number of ways of looking at it, but this is a simple process. We are not trying to blur accountability: we are trying to make accountability transparent.

The Westminster Parliament and Westminster Government and the Scottish Parliament and Scottish Executive will want that transparency. No interest would be served by building into the Bill clauses or amendments that do not have clear demarcations of accountability.

Amendment No. 143 deals with issues involving United Nations sanctions. The Scottish Parliament will not be responsible for Foreign Office competence, which is a reserved matter. However, it will be involved in the implementation of international obligations, including those under the United Nations Act 1946. The Scottish Parliament would have competence in implementing UN sanctions on goods and services, including agricultural goods and services, and the Bill contains provisions that will enable it to deal with that matter straightforwardly and simply. Clearly, the Scottish Parliament would not have competence in implementing arms sanctions. Legislative competence for foreign affairs lies with Westminster.

Dr. Fox: Again I am grateful to the Minister for his generosity in giving way. How does the example differ from European rules, which are also part of international treaty obligations and on which the Scottish Parliament will have no discretion on implementation?

Mr. McLeish: We must implement both, because that is part of the arrangement and we have dealt with that issue. The sanctions issue is not unnecessarily complex. As the Bill stands, the implementation of international obligations such as those imposed by UN sanctions would be within legislative competence in so far as they relate to matters that are not reserved. Therefore, in the context of devolved matters, it would be within the competence of the Scottish Parliament to set up its own regime for implementing UN sanctions.

The United Kingdom currently implements UN sanctions by means of Orders in Council that are made by the Queen under the 1946 Act. Under the Bill, the power would not be separately exercisable in or in regard to Scotland, so provisions in such orders covering devolved matters in or in regard to Scotland would not be subject to a procedure at Holyrood. It is made quite clear that important considerations on international obligations have a Scottish Executive dimension that could be utilised if necessary.

9.30 pm

Dr. Fox: Am I correct in saying that the Scottish Parliament will be responsible for implementing the Scottish practical side of any UN resolution that is agreed by the United Kingdom? Am I also correct in thinking that if, under new clause 19, the Scottish Parliament, for reasons known to itself, chooses not to implement that

[Dr. Fox]

resolution, it could be implemented by Order in Council by a UK Minister without having to consult a member of the Scottish Executive? Is that a clear representation of the position?

Mr. McLeish: Yes, but with an addition. Amendment No. 143 adds existing UN sanction orders that have been made under the United Nations Act 1946 to the list of enactments in clause 52, so that UK Ministers can continue to exercise powers under such orders involving the licensing of certain activities on a UK-wide basis, although some of those activities do not relate to reserved matters. The Bill provides that the implementation of international obligations is devolved in relation to devolved matters. That is straightforward.

Clauses 33 and 54 provide a power of intervention for the UK Government to ensure that such obligations can be met. However, amendment No.143 recognises that it will make some sense for sanctions to be administered on a UK basis, and it allows for that. Hopefully, that helps the process.

Mr. Dalyell: I asked about Lockerbie.

Mr. Deputy Speaker: Order. The Minister has not given way.

Mr. McLeish: As my hon. Friend rose to his feet, I was about to say that I would deal with the matter that he raised.

The Lockerbie issue was also raised in Committee. The current prosecuting authority functions will transfer from the UK Government to the Scottish Executive. In terms of the Scottish judiciary, the powers of Scottish Law Officers and the Scottish Office will be transferred. My hon. Friend will appreciate, because he has had it from various sources, that the international aspects of the matter will continue to be matters for the Foreign and Commonwealth Office. In a sense, that is a continuation of the current position, with the addition of the Scottish Parliament.

The Lord Advocate will retain his responsibilities for criminal prosecutions and death investigations. The Scottish Parliament will have legislative competence on criminal law and investigations, but the UK Government will take the lead in international relations in line with the reservation of that matter in the Bill.

Mr. Dalyell: The matter is not quite as esoteric as it is made out. It is a practical issue. I listened carefully to the Minister. Two Governments will be responsible, and they may not agree on the question of a trial taking place in a third country. To put it mildly, there will be a difference of opinion. I might welcome that, but it is a problem.

Mr. McLeish: Again, the first part of my hon. Friend's intervention is correct. We are going to have a Scottish Executive and a Westminster Government, but the current functions that we exercise in Scotland will be transferred. I should like to think that, as part of the discussions that we have had this evening and of the wider agreement, we will continue to work closely. It is devolution of responsibility within the UK. It is not creating two separate states, where communication and exchanging information might be that more complex.

I turn to the points made by the Conservative Front-Bench spokesman, the hon. Member for Woodspring (Dr. Fox), at the start of the debate. The change is part of a technical change to the definition of the executive competence of Scottish Ministers. Amendment No. 138 makes it clear that the Scottish Parliament could not confer functions that are not exercisable in or as regards Scotland. Clause 49 as amended will ensure that only functions that are transferred could be conferred by an Act of the Scottish Parliament.

In relation to the further points of clarification required on amendments Nos. 141, 142 and 143, the hon. Member for Woodspring is right in his assertion that those are narrow, technical amendments that do not change the substance of the Bill's previous intent.

Mr. Hogg: Is the hon. Gentleman giving way, or has he ended his speech?

Mr. McLeish: I am giving way.

Mr. Hogg: I am most grateful—otherwise, of course, I could make another speech.

Mr. Deputy Speaker: Order. The right hon. and learned Gentleman is wrong.

Mr. Hogg: If I have the good fortune to catch your eye, Mr. Deputy Speaker.

Mr. Deputy Speaker: Not in this debate.

Mr. Hogg: Therefore, I am very grateful to the Minister for giving way.

Mr. Deputy Speaker: The right hon. and learned Gentleman should be, in the circumstances.

Mr. Hogg: I acknowledged it, too.

There is a point that troubles me about new clause 19. I should like to take the Minister of State back. He has said that a Minister of the Crown can, under an Order in Council, exercise functions of the sort that are normally performed by the Scottish Executive. Where come the funds that underpin the performance of the functions? From what vote will that money come? Will the Minister of the Crown be authorised to spend English money in respect of a Scottish function? What is the authority for that?

Mr. McLeish: There are two points. Let me reiterate that, if it is an Executive function within the UK Government, the Minister of the Crown is responsible to the UK Government and to Parliament. This is reserved business.

The right hon. and learned Gentleman is talking about a Minister of the Crown. To reiterate the point I made, if it is a devolved matter, it is entirely a matter for the Scottish Executive. The question was posed to me: what, then, would the resource element of that function be? Clearly, that would vary, depending on which Government

function or Department was involved. I have no doubt that that will not provide any extra burden, because we are talking about a process that occurs at present and will continue, but in a different guise with the two Parliaments.

I have given some clarification. With that, I commend the amendments.

Amendment agreed to.

Amendment made: No. 41, in page 11, line 28, leave out from 'functions' to end of line 30 and insert—

'( ) a judge of any court, or

( ) a member of any tribunal which exercises the judicial power of the State, in connection with the discharge by him of his functions as such.'.—*[Mr. McFall.]*

Clause 24

WITNESSES AND DOCUMENTS: OFFENCES

Amendments made: No. 42, in page 12, line 17, leave out 'without reasonable excuse'.

No. 43, in page 12, line 19, after 'refuses', insert 'or fails'.

No. 44, in page 12, line 23, leave out 'without reasonable excuse'.

No. 45, in page 12, line 26, at end insert—

'( ) It is a defence for a person charged with an offence under subsection (1)(a), (b) or (d) to prove that he had a reasonable excuse for the refusal or failure.'.—*[Mr. McFall.]*

Clause 28

LEGISLATIVE COMPETENCE

Mr. Dewar: I beg to move amendment No. 130, in page 14, line 6, at end insert

'or confer or remove functions exercisable otherwise than in or as regards Scotland'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: Government amendments Nos. 131, 132, 223 to 229 and 256.

No. 110, in clause 29, page 15, line 4, at end insert—

'(3A) If two thirds or more of the members of the Scottish Parliament vote for a motion requesting modification of Schedule 5, such modification shall be considered by a joint committee consisting of members of the Scottish Parliament and the Parliament of the United Kingdom for appropriate action by both Parliaments.'.

Government amendments Nos. 258, 203, 234 and 243 to 245.

Mr. Dewar: I approach this group of amendments with some trepidation, as though tiptoeing into a minefield. I realise that there is no more desperate risk and hazard than the ill-informed question of someone who only half understands the matter. Before anyone takes offence, I should say that, in the past 20-odd years, I have been in that position myself so many times that I know to just what extent the occasional potshot can have a remarkable random success. Moreover, I see before me formidable exponents in the art—such as the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) and the hon. Member for Beaconsfield (Mr. Grieve), who is an apprentice but learning depressingly fast. There is always, of course, the possibility of a very cheerful foray into the wilderness by the hon. Member for New Forest, West (Mr. Swayne). It is quite a characterful cast.

In the hope of choking enthusiasm, I should say that most of the amendments in this group are extremely technical and totally without political interest—there is a claim. Although the amendments are grouped under the heading "legislative competence", which is immensely tempting, they are not quite as meaty as that sounds. Nevertheless, on the basis that we still have 20 minutes to go in this debate, perhaps I should start by very pedantically and carefully speaking to Government amendment No. 130.

I should stress—it is important to do so—that the intention of Government amendment No. 130, which will amend clause 28, is to make it outwith the Parliament's competence

"to confer or remove functions exercisable otherwise than in or as regards Scotland."

As hon. Members will instantly realise, the amendment ties in with the Bill's general approach to defining devolved executive competence, whereby devolved functions are to be exercisable only in or as regards Scotland. I think that that is all we need say about amendment No. 130.

Mr. Ancram *indicated assent.*

Mr. Dewar: I am glad, and grateful, to see that the right hon. Member for Devizes (Mr. Ancram) agrees with that.

We move on to Government amendment Nos. 131, 132, 203, 223 to 227 and 243, which modify the approach taken in schedule 4 to defining the provisions of the Bill itself that are not protected from modification by the Scottish Parliament. The amendments also extend the schedule to protect from modification by the Scottish Parliament the way in which the Human Rights Bill and the European Communities Act 1972 give effect to the key aspects of the European convention on human rights and European Community law in the law of the United Kingdom.

I should stress that those are technical amendments and do not represent any change of policy. Specifically, they do not affect the powers and responsibilities of the Scottish Parliament and Ministers to observe and implement EC law in relation to devolved matters. Neither will they affect the competence of the Scottish Parliament to legislate on the types of rights and freedoms that are covered by the European convention.

My right hon. and hon. Friends and I have tabled amendments to the reservation of constitutional matters in schedule 5—which is a matter that we will deal with later, and may give rise to some quite interesting debate. However, again, it is very much a re-arrangement in the interests of clarity rather than a change of direction or of policy. Among other things, the amendments will make it clear that the Union between Scotland and the rest of the United Kingdom is a reserved matter—which is common ground between all hon. Members. Although there are those who wish to change that constitution, I think that they will realise that this Bill is not the vehicle for so doing.

Mr. Ancram: I hope that I am not pre-empting our debate on the issue, but the Secretary of State mentioned

[Mr. Ancram]

the Union of the United Kingdom being a reserved matter. Does that mean that a referendum on the Union also will be a reserved matter and not available to the Scottish Parliament?

9.45 pm

Mr. Dewar: It is clear that constitutional change—the political bones of the parliamentary system and any alteration to that system—is a reserved matter. That would obviously include any change or any preparations for change. I have made that clear in I do not know how many exchanges with the hon. Member for Banff and Buchan (Mr. Salmond) over the years. I have always said to him, and he has always accepted, that it seems that the best way for him of trying to progress his cause—the reason for his party's existence being that he wishes to take Scotland out of the United Kingdom—is by persuading the electorate in Scotland that they should vote for such a change. It is clear that he cannot find a vehicle for doing that in the machinery laid down in this legislation.

Mr. Ancram: I have listened very carefully to the Secretary of State's lengthy explanation. In very simple terms, does that mean that a referendum on Scotland's future in the United Kingdom is within the competence of the Scottish Parliament?

Mr. Dewar: If one assumes that that is a way of changing the constitution, no, it is not in the power of the Scottish Parliament to change the constitutional arrangements. Scotland will of course have a right to enter into any debate about these matters in the United Kingdom Parliament, and there will be Scottish representatives to do so. That is as it should be. They will be expected to play a very full and proper part in debates in the United Kingdom Parliament on behalf of their constituents.

Mr. Grieve *rose—*

Mr. Salmond *rose—*

Mr. Dewar: I will take the intervention of the hon. Member for Beaconsfield, the successor to Disraeli.

Mr. Grieve: In the right hon. Gentleman's answer to my right hon. Friend the Member for Devizes (Mr. Ancram), I detected a certain tendency to shy away from the specific question. Clearly, a referendum in itself would not be a constitutional change but a mechanism of consultation. Would the holding of a referendum be within the competence of the Scottish Parliament? I think that that is the nub of my right hon. Friend's question.

Mr. Dewar: A referendum that purported to pave the way for something that was ultra vires is itself ultra vires. That is a view that I take, and one to which I will hold. But, as I said, the sovereignty of the Scottish people, which is often prayed in aid, is still there in the sense that, if they vote for a point of view, for change, and mean that they want that change by their vote, any elected politician in this country must very carefully take that into account. I do not believe that they will vote for that change, or that there is enthusiasm or a wish for that change. We shall no doubt argue about, debate and analyse that many, many times.

Mr. Salmond: The Secretary of State will recall among our many exchanges the one on 4 June last year while debating these matters, when he told me in no uncertain terms that the way in which to progress the issue, if I were ever in a position to do so, was to put the question on independence to the Scottish people in a single-question referendum. I take it that he is not retreating from those wise words.

Mr. Dewar: I am not going to bandy texts. I am always rather touched by the exactitude with which the hon. Gentleman treasures almost every word that I have uttered on this issue, and in the House. I sometimes wonder whether his bedroom walls are papered with such quotations. He will recall that I have consistently argued that the way in which he progresses his cause, to use that term again, is by trying—I believe in vain—to persuade people to vote for candidates who are committed to his point of view. At the moment, he has three colleagues—is that right? It is a modest total.

Mr. Salmond: Five.

Mr. Dewar: Oh, five.

Mr. Salmond: That is worrying.

Mr. Dewar: If there is anything worrying, it is the ease with which some of us forget some of his colleagues. I accept that it might be my fault. I am not going to pursue that point. In his own political flock, the hon. Gentleman is quite a dominant figure, as has often been said. I accept that he is probably travelling hopefully these days. We shall have to see what the people decide when votes for elected representatives go into ballot boxes. I am sad to see that we have only 12 minutes to go.

Mr. Dalyell: My right hon. Friend's charm, wit and verbal facility disguise that there has been no answer to a fundamental question. Can the Scottish Parliament of itself initiate a referendum on independence?

Mr. Dewar: I thought that I had answered that in reply to the hon. Member for Beaconsfield, who looked pleased with my answer because he felt that he had pinned me down. I saw him taking his slightly aggressively green biro pen to note my words. I accept that this is a serious matter. It is my view that matters relating to reserved matters are also reserved. It would not be competent for the Scottish Parliament to spend money on such a matter in those circumstances. The hon. Member for Banff and Buchan may dispute that, but we can return to this argument on another occasion.

Mr. Salmond: Will the Secretary of State give way?

Mr. Dewar: No, because I will be criticised for not covering the amendments, and I will be sorry if that happens. If the hon. Gentleman would haud his wheesht, we can come back to the matter.

Government amendments Nos. 131 and 132 make a technical alteration to the way in which clause 28 introduces schedule 4, which reflects the way in which the schedule has been restructured by the other amendments. Government amendments Nos. 203 and 243 are purely drafting amendments. The amendment to schedule 7 deletes two lines which previously protected certain provisions in the European Communities Act 1972 from the general modifications made by clause 106. Amendment No. 203 re-enacts this as part of clause 106 itself.

Parliamentary counsel concluded that it is better drafting if the amendment is made by virtue of clause 106 rather than schedule 7. The policy remains unchanged. Why the Parliamentary Counsel came to this conclusion is not entirely clear to me. However, as they are men of skill—whose expertise has been effectively and creditably displayed in the drafting—I am glad to take their advice.

There are also some technical amendments to the way in which schedule 4 specifies provisions of the Scotland Bill and other enactments modified by it which are or are not protected from further modification by the Scottish Parliament. In particular, Government amendment No. 224 provides that the Scottish Parliament will be able to modify clause 22(7) which specifies the penalty for a breach of subsection (6) of that clause on Members' interests.

I have no doubt that there will be a good deal of interest—I cannot avoid the word—in Members' interests in the Scottish Parliament, as there has been in this House. It is a matter for increasing study and, sometimes, speculation. The amendments are consistent with the devolution of matters relating to the criminal law.

Mr. Heald: The Secretary of State referred to amendment No. 223 and, earlier, he said that the Union is a reserved matter. Under "Acts of Union" in schedule 4—if the amendment is agreed to—the passage will read:

"Articles 4 and 6 of the Union with Scotland Act 1706 and of the Union with England Act 1707 shall not be modified so far as they relate to freedom of trade."

Does that mean that there are aspects of the Acts of Union which may be modified by the Scottish Parliament, and if so, what?

Mr. Dewar: This is a belt-and-braces provision which means exactly what it says. The amendments to schedule 4 entrench the provisions of the Acts of Union between England and Scotland which relate to freedom of trade. There might be a semi-respectable argument for saying that that is hardly necessary because the matter is reserved, as the hon. Member for North-East Hertfordshire (Mr. Heald) said. This is not a subject for contention, because there is one thing which unites everyone in the House; whatever final settlement is reached, it is clear that Scotland and England will always need access to each other's markets. Free trade will be a sine qua non. The amendment makes that clear.

Government amendment No. 227 provides that the Scottish Parliament can modify the Bill's provisions and sets out that Parliament's procedure on subordinate legislation made under the Bill that is subject to procedure in that Parliament. Again, that is consistent—a useful word in this context—with the Parliament having control over its own procedures. As the House will know, we intend to be as flexible as possible—and impose as little as possible restrictive legislation—on the Parliament's procedures and internal arrangements. We hope that the Scottish Parliament can, when the time comes, consider in an enlightened and sensible way the evolution of its own procedures. We do not assume that it will follow the procedures of the House of Commons. It may do so, as some of our rules are based on common sense and have evolved over many years, but it may find new approaches and procedures—we want to leave maximum flexibility for that.

Government amendment No. 227 also clarifies that the amendments made in schedule 7 to enactments within the devolved field that relate to the role of the Advocate General are to be protected from modification. Hon. Members will remember that the Advocate General is a new inhabitant of the Government—he will be the Law Officer responsible for advising the United Kingdom Administration on Scottish law.

Government amendments Nos. 228 and 229 extend the list of bodies and offices to which the Scottish Parliament can amend references in the Bill. Government amendment No. 234 is a technical amendment to simplify and clarify the provision in part III of schedule 5 that states how references to enactments in the schedule are to be interpreted. Those references are mostly to the subject matter of enactments, and are used as descriptions of reserved matters. As before, they are to be read as references to the enactments as they have effect on D-day—the day when the Parliament assumes its powers. However, for enactments that cease to have effect between enactment of the Scotland Bill and D-day, the references are to be read as references to the enactments as they had effect immediately before that time.

If I may hurry on, I shall refer the House to Government amendments Nos. 256 and 258. Clause 29 provides for the list of reserved matters in schedule 5 to be varied by Orders in Council, subject to affirmative resolution at both Westminster and Holyrood. The amendments would enable the consequences of such changes to be provided for.

Government amendment No. 256 and the first part of Government amendment No. 258 transfer the provision that enables a clause 29 order to modify enactments and other documents from clause 29 to clause 100, where such provisions are generally set out. I do not think that I should labour these points. The amendments tidy up the Bill's drafting in what I hope hon. Members will feel are helpful ways.

Government amendment No. 244 is a purely technical amendment to ensure that references to an Act of Parliament in section 2 of the European Communities Act 1972 are read as references to Acts of the Scottish Parliament in appropriate cases. Government amendment No. 245 amends section 3(4) of the European Communities Act 1972, which deals with Community instruments in the custody of a Government Department that may be used as evidence in legal proceedings. That extends the scope of the section to include any part of the Scottish Administration.

I apologise to the hon. Member for North-East Hertfordshire, who I think is preparing to speak, for having left him only two or three minutes in which to make what may be complex points. I thought that it was only polite to try to deal with some of the points that were

[Mr. Dewar]

being put to me and—even though it was a rather hurried Cook's tour—to survey the range of amendments in the group.

Mr. Heald: We are all pleased to recognise that the right hon. Gentleman has made a colourful picture from what might otherwise be dull material. I want first to ask him about schedule 4 as amended. Government amendment No. 223 lists various provisions that may not be modified, including—as it will be—the Scotland Act itself. However, amendment No. 227 states that the Scottish Parliament may modify section 100, under which a Scottish Minister may exercise his powers by statutory instrument, and section 101(3), which provides for the affirmative procedure.

Is the Secretary of State satisfied that consistency can be achieved between the measures passed here and those passed by the Scottish Parliament? If the documents are not of the same form and character, difficulties may arise.

Clause 101(5) says that a recommendation for an Order in council for Scotland can be made only after the matter has been through the House on the affirmative resolution procedure. What are the minimum criteria to be applied for such a recommendation to Her Majesty to have proper force and legitimacy? Clearly, we are working on the basis of a set of parameters and safeguards for subordinate legislation, to ensure that we know exactly how the powers are to be exercised. If there are to be modifications, are there any limits within which that is to happen, and does Parliament have any say in how it might be achieved?

10 pm

What is the interaction between the European Communities Act 1972 and the Consolidated Fund as regards the Scottish functions referred to in Government amendment No. 203? The Secretary of State may be able to explain why the provisions of clause 106(2) and (3) do not apply; as time is short, a letter would be satisfactory.

Can the Secretary of State confirm that both Westminster and Edinburgh would have to pass an order under Government amendment No. 258 and that the procedure would always allow for adequate debate on such orders in both legislatures, given that reserved powers are concerned? What is the interaction between the amendment, providing as it will for a two-way street with Orders in Council, and clause 27(7)? Does the power of this Parliament remain undiminished; and if so, how?

Mr. Dewar: In the very short time available, I cannot properly answer all those questions. The hon. Gentleman will recall that Government amendment No. 227 provides that the Scottish Parliament can modify the Bill's provisions and sets out the procedures in relation to subordinate legislation made under the Bill, which will be subject to the procedures of that Parliament. It is a narrow point. The Bill contains some prescriptive clauses about procedures. If the Scottish Parliament wants to modify them, it is important that there should be a way of doing so. It is not a major point that should concern the hon. Gentleman.

Mr. Heald: I asked about consistency.

Mr. Dewar: I am advised that it will be possible to have consistency, and indeed I have used the word several times. The best thing that I can say to the hon. Gentleman is that I am so advised.

On the consolidated fund and the European Communities Act 1972, I shall unashamedly accept the hon. Gentleman's invitation to write to him. Indeed, I shall tell him a secret: I suspect that someone else will have to compose a suitable letter, but—

It being five and a half hours after the commencement of proceedings on consideration of the Bill, MR. DEPUTY SPEAKER, *pursuant to the Order [13 January] and the Resolution [this day], put forthwith the Question already proposed from the Chair.*

Amendment agreed to.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Amendments made: No. 131, in page 14, leave out line 7 and insert—

'(b) it modifies an enactment in breach of the restrictions in Schedule 4'.

No. 132, in page 14, leave out line 14.—*[Mr. Dewar.]*

Schedule 4

PROVISIONS OF ACT NOT PROTECTED FROM MODIFICATION

Amendments made: No. 223, in page 58, line 8, leave out from beginning to 'does' and insert—

'Acts of Union

1A. Articles 4 and 6 of the Union with Scotland Act 1706 and of the Union with England Act 1707 shall not be modified so far as they relate to freedom of trade.

European Communities Act 1972

1B.—(1) The following provisions of the European Communities Act 1972 shall not be modified:

Section 1 and Schedule 1,

Section 2, other than subsection (2), the words following "such Community obligation" in subsection (3) and the words "subject to Schedule 2 to this Act" in subsection (4),

Section 3(1) and (2),

Section 11(2).

(2) Sub-paragraph (1), read with section 28(2)(b), is to be disregarded for the purpose of determining whether the exercise of any function is within or outside devolved competence.

Human Rights Act 1998

1C.—(1) The Human Rights Act 1998 shall not be modified.

(2) Sub-paragraph (1) does not apply to the modification of sections 12 and 20 of that Act, so far as those sections relate to the exercise of a power by a member of the Scottish Executive.

(3) Sub-paragraph (1), read with section 28(2)(b), is to be disregarded for the purpose of determining whether the exercise of any function (other than a function of making, confirming or approving subordinate legislation so far as it modifies that Act) is within or outside devolved competence.

(4) Sub–paragraph (3) does not apply to the exercise of a function under any of sections 1, 5 and 14 to 17 of that Act.

This Act

1D. The provisions of this Act shall not be modified.

1E. Paragraph 1D'.

No. 224, in page 58, line 9, after '(6)' insert & 22(7)'.

No. 225, in page 58, line 10, leave out from beginning to 'does' in line 17 and insert—

'.—(1) Paragraph 1D'.

No. 226, in page 58, line 23, leave out 'Section 28(2)(b)' and insert 'Paragraph 1D'.

No. 227, in page 58, leave out lines 28 to 30 and insert—

'. Paragraph 1D does not prevent an Act of the Scottish Parliament modifying—

(a) section 100(1) so far as it relates to the exercise of a power by a member of the Scottish Executive,

(b) section 101(3), (5)(b) and (8),

(c) section 102(5) to (7) so far as relating to the Parliament, and

(d) the reference to instrument in—

(i) the definition of "subordinate legislation" in section 111(1), and

(ii) paragraph 7(2) of Schedule 7.

Enactments modified by this Act

. The amendments of enactments made by paragraphs 1, 3 and 17 of Schedule 7 shall not be modified so far as relating to the Advocate General.

. The effect of section 106(3) in relation to any provision of an Act of Parliament relating to judicial salaries shall not be modified.

Exceptions

.—(1) This Schedule does not prevent an Act of the Scottish Parliament modifying any reference mentioned in sub–paragraph (2) in any enactment (including this Act)'.

No. 228, in page 58, line 31, at end insert—

'the House of Lords'.

No. 229, in page 58, line 35, at end insert—

'the Lord President of the Court of Session,

the Lord Justice Clerk,

the Chairman of the Scottish Land Court'.—*[Mr. Dewar.]*

Clause 29

RESERVED MATTERS

Amendment made: No. 256, in page 15, leave out lines 3 and 4.—*[Mr. Dewar.]*

Clause 33

POWERS TO INTERVENE IN CERTAIN CASES

Mr. Ancram: I beg to move amendment No. 1, in page 16, leave out lines 11 to 34.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 5, in page 16, line 12, leave out

'(a) which the Secretary of State'

and insert

'which the Secretary of State, having taken legal advice,'.

No. 6, in page 16, line 13, leave out from 'obligations' to end of line 19.

Mr. Ancram: It is perhaps surprising that, with only one day to go of the 11 days we will have spent on the Bill, we have finally reached clause 33. When the Bill was published, the clause caused a certain amount of consternation, and almost immediately became known as the governor-general clause, or the veto clause. In a Bill otherwise designed to produce and deliver devolution for Scotland, the clause suddenly appears to create an enormous potential road block. For that reason, it is useful to be able to debate it tonight.

The rather draconian amendments that I have tabled are intended to carry the debate. They are probing amendments; I do not seek to delete the clause. That said, I hope to press amendment No. 5, as it is useful.

Given the way in which we have dealt with the delegation of powers from this Parliament to the Scottish Parliament, given all the arguments about sovereignty and the practical restraints on it that might exist in the new set-up, and given the powers that are being transferred to the Scottish Parliament and Scottish Ministers, it is extraordinary suddenly to come across a clause that appears to place draconian powers in the hands of the Secretary of State. Clause 33(1) states:

"If a Bill contains provisions—

(a) which the Secretary of State has reasonable grounds to believe would be incompatible with any international obligations . . . he may make an order prohibiting the Presiding Officer from submitting the Bill for Royal Assent."

If there were a clear contravention of international obligations, the Bill would not proceed. None of us would cavil at that, because that power must be within the Secretary of State's responsibility and purview.

Clause 33(1)(b), however, is rather out of tune with the rest of the Bill. It states that if a Bill contains provisions

"which are within the legislative competence of the Parliament by virtue of subsection (4) . . . but which the Secretary of State has reasonable grounds to believe would have an adverse effect on the operation of an enactment as it applies to reserved matters,

he may make an order prohibiting the Presiding Officer from submitting the Bill for Royal Assent."

That is very different. The Secretary of State, a politician, will have the power to decide whether in his view—he will have to state reasonable grounds, which I should like to pursue further—the legislation will have an adverse effect on the operation of some Act that applies to a reserved matter. He will effectively have the power to kill an Act of the Scottish Parliament stone dead.

That power goes beyond the other powers that the legislation places in the hands of the Secretary of State. I would have understood if the Bill had said that the Secretary of State could, for instance, apply to the courts to decide whether a particular piece of legislation from the Scottish Parliament transgressed the interests of an enactment on reserved matters. The Bill does not say that, however; it says that the Secretary of State himself can make that decision.

The point is worth exploring further. If I read clause 101(6) correctly, the Secretary of State could make an order that would be subject to the negative resolution procedure. There would be parliamentary scrutiny of the order, but it would be by negative resolution, although the

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effect of the order would be to prevent a piece of legislation from the Scottish Parliament from being submitted for Royal Assent.

Clause 33(2) states:

"The order must identify the Bill and the provisions in question and state the reasons for making the order."

Perhaps, if I probe a little, the Secretary of State will provide some reassurance. The Bill says that the Secretary of State can say, "In my view, this piece of legislation will have an adverse effect on a piece of legislation affecting a reserved matter." If, however, he is required to give reasons, or to show that he has been reasonable, what test will he have to meet? I am not an expert on employment law—under which the question of reasonableness is often raised—but I think, and will be corrected if I am wrong, that the person making the judgment must show that there has been a proper inquiry, and that there is evidence on which to base the judgment. In employment cases, where facts will decide the matter, I can see that reasonableness might easily be shown. My difficulty with the clause is that the judgment will often essentially be a political judgment, not one that can simply be based on facts. How is the Secretary of State to set out his reasons, which may be challengeable or unchallengeable, possibly by judicial review? I do not know the answers, for which I look to the Secretary of State, who is seeking advice even as I speak.

Unless there is some control, we are creating, for a Secretary of State who will have almost no other role left on devolution, a power to bring the actions of the Scottish Parliament to a halt. People may ask why I am worried about that, given my views on devolution and the delegation of powers. It is because the purpose of the Opposition throughout the passage of the Bill has been to try to identify the areas in it that could lead to dramatic confrontation between the Parliament and Government in Edinburgh and the Parliament and Government in London. I can see within this draconian power—were it used in a way that ran counter to the wishes of the Scottish Parliament—the epitome of such a confrontation. What will be the criteria by which the Secretary of State will make the judgment. What will be the restraints on the Secretary of State in making it? In what ways can he be challenged?

Mr. Browne: The basis on which this power can be used by the Secretary of State is clearly set out in the words that the right hon. Gentleman himself read to us. Under clause 33(1)(b), the Secretary of State must have "reasonable grounds to believe" that a certain state of affairs exists. There is no suggestion that he merely needs to hold a view; he must have reasonable grounds to believe. He must thereafter set out the reasons why he believes that he has reasonable grounds.

Mr. Ancram: The hon. Gentleman is a member of my profession; I should have thought that we should have reasonable grounds to hold a view. There is no identification or definition of what the reasonable grounds are. Such decisions will often be taken on neat little points involving much subjective political judgment. That is when such a provision will lead to confrontation.

Mr. Hogg: Is there not a further problem? The requirement is not that the Secretary of State believes something, merely that there are "reasonable grounds to believe" something. It might be more reasonable to impose on the Secretary of State an obligation actually to believe the state of affairs set out in the statute.

Mr. Ancram: I am grateful to my right hon. and learned Friend, who makes my point with even more force. I do not want take up too much time, because other hon. Members wish to speak. I am trying to provide a reasonable and simple solution. The Secretary of State should not be allowed to make such a judgment on his own because of the difficulties that I have identified: he should be required to take advice. In amendment No. 5, I suggest that the Secretary of State should take legal advice before he reaches a judgment—just as it might have been better had an ability to refer the matter to the courts been created.

Mr. Wallace: If I recall correctly, on Second Reading I asked the Secretary of State whether any decision under the clause would be judicially reviewable, and he said that it would. Is that not a sufficient safeguard?

Mr. Ancram: I am not certain from my experience of judicial review that I necessarily regard it as a safeguard. It is a way of achieving a remedy. The Secretary of State laughs, but if the law is to be the protection, the sensible thing would have been to create a power for the Secretary of State to refer the question to the courts in the first place. In the absence of that power, my suggestion that he should be required to take legal advice so that he is acting on more than his own judgment represents a sensible compromise.

The clause as it stands creates, and places in the hands of the Secretary of State, an enormous power which, if abused—which is my fear—could lead to a massive confrontation between this Parliament and the Scottish Parliament. I am trying to avoid such a confrontation. That is why I tabled the amendments, and I ask my hon. Friends to support them, particularly amendment No. 5.

10.15 pm

Mr. Dewar: I shall speak reasonably briefly, because I recognise that many other hon. Members want to speak. I want to put a point of view to the House, as that would inform the debate. This is an important debate and I entirely accept that the clause deserves attention. I have no complaint about what the right hon. Member for Devizes (Mr. Ancram) has said and it is proper that we should probe this question, using as a basis for our debate the rather sweeping, albeit perfectly legitimate, amendments that he has tabled.

The clause refers to the Secretary of State. I make no complaint, but everyone jumps to the conclusion that that will be the Secretary of State for Scotland. That is not necessarily true; it is any Secretary of State. This is one case where I can say, "Not me, guv." If the decision to proceed to use the machinery was within the remit of the Secretary of State for Social Security, he or she would be the Secretary of State who took the decision and came to the House with the invitation to it to act in the way the clause describes. The matter is subject bound: "Secretary of State" is not a prescriptive description of one member of the Government.

Mr. Alasdair Morgan: Taking that comment in conjunction with the right hon. Gentleman's earlier

assurance that such decisions, on reasonable grounds, would of course be subject to judicial review, if the Secretary of State was not the Secretary of State for Scotland but another of the Secretaries of State in this Parliament, in which courts would a judicial review take place—the English courts or the Scottish courts?

Mr. Dewar: That might be a matter of choice. [HON. MEMBERS: "Oh."] That is not really surprising—what a shriek. As I understand it, those decisions would certainly be justiciable in the Scottish courts, but may I return to that point in a minute if the hon. Gentleman is not satisfied with that answer?

Let me explain what the clause is all about. We have a situation in which there is a division of responsibility as between reserved and devolved powers. If one takes a simplistic view, one might say that the writ of the Scottish Parliament runs in devolved areas and that there will be reserved areas with which the Scottish Parliament cannot meddle and where its writ does not run. That is the general description of the scheme: a division of responsibilities with strength and internal logic. However, the world of politics and of legislation is not as neatly divided as that—there are no exact demarcations or neat barriers that cannot be crossed—so legislation in a devolved area of responsibility will often have implications for reserved areas and reserved functions.

We had to consider whether we stood pat on the fact that, if there was some effect on a reserved matter, it would not be competent for the Scottish Parliament to continue, or whether we should find some way of building in a safeguard, so that a knock-on effect was not an abuse of process or something that would cause problems in a reserved area. Although I understand the right hon. Gentleman's point, the power is not a blocking mechanism. I would rather see it as an enabling mechanism, because if we do not have such a piece of machinery—we can argue about the detail—we will be in great difficulties. The Scottish Parliament might find that its room for action was greatly inhibited because almost any legislation in Scots private law—to which, hon. Members will recall, clause 33(1)(b) refers—would have an impact on reserved powers or reserved responsibilities. Many United Kingdom responsibilities operate, by definition, in Scotland, and would therefore be subject to Scots private law.

I was not prepared to take the rather narrow view that, if there were a reaction, that legislation would probably be called incompetent or would be open to challenge. We therefore sought a balanced way to ensure that the competence of the Parliament—its range of responsibilities—would be exercisable and at the same time would not give rise to abuse.

Sir Teddy Taylor (Rochford and Southend, East): Will the Secretary of State give way?

Mr. Dewar: I will give way in a moment, but this point is important.

We have struck an important balance in the clause. The Secretary of State will have recourse to the power, but it will be subject to a number of important safeguards. The first is that he or she must believe that there would be an adverse effect on the operation of an enactment as it applied to reserved matters. Secondly, the reasonableness test is built in. There is also the important safeguard that if the power is to be used, a majority in this House must be in favour, and that would not be given lightly.

Mr. Hogg: The Secretary of State has the power to make an order under the clause. It is not absolutely clear that that is an Order in Council subject to resolution in the House. I know that my right hon. Friend the Member for Devizes (Mr. Ancram) referred to clause 101, but that seems to apply to delegated legislation, and I am not sure that the order-making power to which the Secretary of State is now referring will be subject to the negative resolution procedure. If it will be, where will the negative resolution be made—in the Scottish Parliament or here? If it will be made in the Scottish Parliament, what will happen if the Parliament decides not to approve the order made by the Secretary of State?

Mr. Dewar: The order would be made in this House by a Secretary of State. *[Interruption.]* The right hon. and learned Gentleman has asked a question and is now engaged in gesticulation with his colleagues. That order would be laid in this House and would have to command a majority.

An important safeguard, which was pointed out by the hon. and learned Member for Orkney and Shetland (Mr. Wallace), is that the decision would be open to judicial review. In my view, it would be open to judicial review in the Scottish courts. The courts would have to consider the adverse effects of such an order and apply the reasonableness test. If the Secretary of State were acting unreasonably, clearly the action for judicial review would succeed. I am advised—I can go a little further; because of my days 35 years ago of practising law, I am aware—that the test of reasonableness is not unknown in the law of Scotland. Judicial review is an important safeguard in this case.

Sir Teddy Taylor: Let us assume that the Scottish Parliament, for good reasons, after careful debate, decided to pass legislation to make separate arrangements for the trial of those who carried out the Lockerbie bombing, and that the Foreign Secretary took the view that, under clause 33(1)(a), that legislation might be incompatible with an international obligation relating to the United Nations. How would that be resolved? Would we tell the Scottish Parliament that it had no right to determine a legal issue relating to a bombing that took place in Scotland in which people were killed? Would the Foreign Office be able to step in and prevent it from doing so? To avoid conflict, we should say what would happen in such a situation. That is a specific, clear question. Would the Foreign Secretary have the right to step in?

Mr. Dewar: That comes under clause 33(1)(a). If what is proposed by the Scottish Parliament—or by any Government Department in the United Kingdom—is a clear breach of Britain's international obligations, the Government would have the right to intervene. The House has constantly recognised those special and important circumstances, and my answer to the hon. Gentleman is yes. However, that would occur only if there was a breach—or there was held to be a breach—of Britain's international obligations. We could not allow any part of the Government machine, including the Scottish

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Parliament, to defy a binding international obligation if that breach caused great damage to this country or cost the Government of the United Kingdom substantial financial penalties. We are talking about a very unusual event, and the mechanism takes account of a situation that I do not for a moment envisage occurring. However, it is right that provision should be made.

I do not know where the Opposition are coming from on this matter—I do not say that in an unfriendly spirit. I stress that the process of government is a process of negotiation and discussion; it is a matter of bilaterals and discussions at an official level. It is ultimately a case of Minister talking to Minister—whether it be the Scottish Executive talking to a United Kingdom Department or United Kingdom Departments talking to each other. All hon. Members are familiar with that process. Common sense dictates, consensus emerges and agreement is reached 999 times out of 1,000.

Hon. Members must accept that that is the business of politics. I do not know whether the Scottish National party, for example, conducts its affairs on the basis that, if one man says "jump", everyone jumps; or whether sometimes a little discussion and canvassing the merits of a situation lead to a common result. That is certainly what happens in my party; it is what happens in government; and it will certainly happen within the United Kingdom when we have a Scottish Parliament, a Welsh assembly and a United Kingdom Administration. We are nearing the end of a very long process of discussion which I suspect, in almost all cases, will ensure that matters are settled properly.

Mr. Wallace *rose—*

Mr. Dewar: I am sorry, but I want to continue. I said a moment ago that I did not know where the Conservatives were coming from, and perhaps they would care to explain it to me. It seems to me that we have a choice: we can say that, if there is any impact for devolved legislation on a reserved responsibility or enactment, that stops the devolved legislation in its tracks, because it has gone outwith its competence, or some formulation of that kind—in which case, the Government would be open to the charge that we were not meeting the prospectus laid down in the White Paper—or we can say that there must be some proper mechanism that recognises that there will be an impact and provides a remedy, if it is thought that that impact will be adverse, damaging and will go too far. On top of that, we could build in the safeguard of judicial review.

I see this measure not as a blocking mechanism or governor-generalship, but as introducing a sensible element of flexibility that allows expansion and contraction at the edges of the division between the reserved and devolved functions in a way that is ultimately very sensible and makes the system much more workable. It is the old cliché—which I used in an earlier debate—of whether a glass is half full or half empty. This measure is a means of ensuring that we enable the Scottish Parliament to fulfil its remit. Without a mechanism of this kind, it would be cabin confined and restricted in a way that most people—including certainly all Scottish parties—would consider to be unacceptable.

Mr. Wallace: It sometimes seems that we are quibbling about affirmative or negative procedure, but as the Secretary of State thinks that the situation would arise very rarely, and as it would be an important step for a Secretary of State to take, should not the mechanism be affirmative resolution of both Houses, rather than negative resolution?

Mr. Dewar: Under clause 101(6), as the right hon. Member for Devizes mentioned—I congratulate him on his energy in pursuing the matter to the end—the negative procedure would be used. If the hon. and learned Member for Orkney and Shetland (Mr. Wallace) feels that that would not be a sensible procedure, his hon. Friends can no doubt push that at a later stage.

I believe that that machinery would have to be used only in very exceptional circumstances. I find it almost inconceivable that the negative procedure would not be invoked if the order was as controversial as hon. Members imagine. Subsequently, if there was no satisfaction, the judicial review process could be invoked.

Mr. Hogg *rose—*

Mr. Dewar: I am sure that the right hon. and learned Gentleman intends to speak in due course, and I understand that other hon. Members want to come in. I have tried to put the matter in perspective and I await the response with interest.

10.30 pm

Mr. Salmond: The Secretary of State is aware that clause 33, to which the amendments refer, has been dubbed by the Conservative party the "governor general" clause. If that is the Tories' view, most reasonable people would reflect on how much power the clause puts into the hands of the Secretary of State for Scotland or any other Secretary of State. We have already had this evening an illustration of how political considerations can prevail on the better judgment of Secretaries of State.

Earlier, the Secretary of State for Scotland suggested that I papered my bedroom wall with quotations of his statements in this place. I do not paper my bedroom wall with them, but I have them in my speaking notes. The right hon. Gentleman will hear a great deal more of them in the coming weeks and months in Scotland.

In *Hansard* on 4 June last year, the Secretary of State said:

"Although the hon. Member for Banff and Buchan is in favour of a multi-option referendum as a general principle, when it comes—if it ever does—to the point where he wishes to implement a specific constitutional scheme, he should put that to the people of Scotland in a single-question referendum to get it endorsed."—[*Official Report*, 4 June 1997; Vol. 295, c. 433.]

On 21 May last year, the Secretary of State said:

"Even though the hon. Gentleman"—

that is a reference to me—

"and I may have differences of interpretation, I hope that he will accept that I should be the last to challenge the sovereignty of the people or to deny them the right to opt for any solution to the constitutional question which they wished. For example, if they want to go for independence, I see no reason why they should not do so. In fact, if they want to, they should. I should be the first to accept that."—[*Official Report*, 21 May 1997; Vol. 294, c. 725.]

Mr. Dewar *rose—*

Mr. Salmond: I shall give way to the Secretary of State in a few seconds. I am illustrating how political

considerations can prevail on the judgment of a Secretary of State, which is highly pertinent to clause 33 and the amendments that we are debating.

In *The Herald* in May last year, it was reported that the Secretary of State

"made it clear that there would be no 'glass ceiling' built in. 'The only way in which we could move to independence would be if people voted for independence. That is clearly their right and I would not wish to deny them that right' he said, ruling out any trick in the White Paper."

The amendments reflect concerns and considerations about whether a Secretary of State may be moved by political reasons to attempt unduly to restrict the ability of the Scottish Parliament to determine the legislation before it. I submit that we have seen an illustration this evening of how political considerations can prevail to turn a Secretary of State who, last year, put forward a perfect democratic prospectus into a Secretary of State who, this year, dissembled and wriggled when asked clear questions to which he had an affirmative answer last year.

If the Secretary of State goes to the people of Scotland and says that the Government are forming a Scottish Parliament to allow the people of Scotland to determine their own future, and that the Government have signed a Claim of Right which asserts absolutely the sovereignty of the Scottish people, but also says that there must be a safeguard in Westminster so that any Secretary of State can say, "This far and no further—we do not consider this matter pertinent or within the competence of a Scottish Parliament," he will be extremely fortunate to sustain his current position in the opinion polls—never mind the position that the Labour party previously had.

The amendments are highly pertinent because they illustrate the difficulties and vulnerabilities of investing in a single person or persons abilities and powers to restrict a democratic Parliament when the Secretary of State, or any Secretary of State, as has been clearly illustrated this evening, can be panicked or influenced by political events into changing from what was a clear democratic position last year to a somewhat muddied position this evening.

Mr. Dalyell: We are in political fairyland. I have worked with nine Secretaries of State for Scotland; all of them had considerable authority as members of the British Cabinet. Some of them, such as Willie Ross, Jack Maclay, who became Viscount Muirshiel, and, I suspect, my right hon. Friend the current Secretary of State, had considerable say in the British Cabinet. The Secretary of State whom we are talking about tonight will be a poor creature after May 1999 whose job will soon evaporate. The Secretary of State for Scotland will have a car, a chauffeur, a salary, he may have a private secretary and he may even have an assistant private secretary, but he will have little else.

Sooner rather than later, the British Prime Minister, my right hon. Friend the Member for Sedgefield (Mr. Blair) or whoever it is, will want to deal, in relation to Scotland, with the First Minister of Holyrood in Edinburgh. That is the natural course of events. I see the hon. Member for Banff and Buchan (Mr. Salmond) nodding.

My right hon. Friend implicitly and, indeed, my hon. Friend the Minister of State have recognised that because they have decided where the power is. There is no question about it. I state that as a matter of fact. The Secretary of State whom we are discussing will be a Minister of no consequence. I predict that, within months, the Secretary of State will find that he does not have a place in the British Cabinet. He will be moved over, because it is natural that the Prime Minister in London will want to have his discussions with the person in control of the spending Departments. Therefore, tonight's discussion is totally unreal.

During the debates on the Government of Wales Bill, my right hon. Friend the Member for Llanelli (Mr. Davies) often referred to the unbundling of the United Kingdom. It will be an unbundled United Kingdom, and the Secretary of State, whom we are discussing tonight, will have about as much power as Silver Stick in Waiting.

Mr. Wallace: I agree with what the hon. Member for Linlithgow (Mr. Dalyell) says about the diminishing powers of the Secretary of State for Scotland. It has been the Liberal Democrats' policy that he would become unnecessary, but I am not sure how that relates to clause 33 and amendment No. 1, tabled by the right hon. Member for Devizes (Mr. Ancram). I welcome the fact that we have had a debate on that clause because it is an important provision.

When I first read the clause, I thought that it was the "governor general" clause, as it was described earlier, giving huge powers to the Secretary of State to block legislation of the Scottish Parliament. I think that I am right in saying that such a power existed in the 1978 legislation. Under that legislation, any Act of the Scottish Parliament had to obtain the further approval of the Secretary of State for Scotland. We have moved miles from that.

It is important to put that point into context, although it is difficult to find examples of what is involved. My understanding is that this is a safeguard in relation to a provision that allows the Scottish Parliament to go beyond what would be the case if we strictly adhered to reserved and devolved powers. It allows the Scottish Parliament to take a step over the threshold into the territory of reserved powers, where it makes practical common sense to do so. The Secretary of State would intervene only if that step were one too far.

I have tried to think of other examples and, for other reasons, happened to read the House of Commons brief on the Late Payment of Commercial Debts (Interest) Bill. It refers to correspondence between Lord Clinton-Davis and Lord Fraser of Carmyllie. Lord Clinton-Davis, on behalf of the Government, makes it clear that interest and late payment of commercial debt will be a matter for the Scottish Parliament, albeit that the legislation before the House will also apply to Scotland. The letter to Lord Fraser states:

"We see no compelling reason why policy responsibility should be retained by Westminster for late payment legislation, particularly since, as noted above, all other aspects of contract law are to be devolved; hence, this area has not been included in Schedule 5 of the Scotland Bill".

The Scottish Parliament may amend that Bill, which could have an impact on commercial matters that otherwise would be reserved under head 3 of schedule 5. There would be a lot of sense in that: we would achieve a degree of consistency across a range of interest and late

[Mr. Wallace]

payment of debt issues, rather than subject only some contracts to the Bill because they were clearly in devolved areas. Therefore, the provision is welcome.

Mr. Salmond: I am following the hon. and learned Gentleman's argument carefully, but can he explain why clause 33, which authorises the Secretary of State to

"make an order prohibiting the Presiding Officer from submitting the Bill for Royal Assent",

could be considered to be a permissive clause, as he is arguing?

Mr. Wallace: If the hon. Gentleman had followed my argument and tried to understand the issue rather than making political points—although he is perfectly entitled to do so—he would have realised that that provision is related to clause 28, which is the permissive part of the Bill. The Scottish Parliament will be able to step into the area of reserved functions, but if it goes too far, an order would have to be—

Mrs. Margaret Ewing (Moray): How far would the hon. and learned Gentleman let that go?

Mr. Wallace: The hon. Lady asks how far I would let that go, but the question whether an order applied to reserved matters would have an adverse effect on the operation of an enactment is a matter of judgment. An order must be made subject to approval and subject to judicial review. If the opponents of the provision are proposing that the Scottish Parliament should not have power in any respect to go beyond the threshold between reserved and devolved matters, they will inhibit the Scottish Parliament far more than is allowed under the Bill.

Mr. Hogg: I shall be brief, although I agree very much with what my right hon. Friend the Member for Devizes (Mr. Ancram) has said.

I understand the Secretary of State's argument that clause 33(1)(b) is enabling. There is truth in that, for the reasons that the hon. and learned Member for Orkney and Shetland (Mr. Wallace) and the right hon. Gentleman have outlined, but if I were a Member of the Scottish Parliament, I should be extremely uneasy about the clause in its entirety. One must analyse why.

My right hon. Friend the Member for Devizes passed quickly over clause 33(1)(a), which relates to international obligations. The Secretary of State would have to intervene where an enactment in the Scottish Parliament contravened an international obligation—I understand that—but let us be clear that what is involved is judicial interpretation of whether an enactment in the Scottish Parliament would or would not contravene an international obligation.

The Bill will give the Secretary of State or his successor—

Mr. Dewar: The Foreign Secretary.

Mr. Hogg: The Secretary of State—it might well be the Foreign Secretary—will be given a right to intervene if he

"has reasonable grounds to believe".

That is not satisfactory, because the Secretary of State for Foreign and Commonwealth Affairs will not be accountable to the Scottish Parliament; indeed, he is not accountable to this House for the exercise of his power.

I take the Secretary of State to clause 101(6), which is the order-making power. I have grave doubts about whether the order in clause 33 is covered by clause 101(6). The order-making power under clause 101(6) relates to a statutory instrument containing subordinate legislation. The power of the Secretary of State under clause 33 by order to prohibit an enactment is by no stretch of the imagination subordinate legislation.

The order power conferred by clause 33 is not subject to parliamentary scrutiny, because under clause 101(6), parliamentary scrutiny is confined to delegated legislation. The Secretary of State should think back to new clause 19, which made specific reference to an Order in Council. An Order in Council is different from an order such as we are now contemplating.

10.45 pm

Mr. Dewar: The objection that the right hon. and learned Gentleman is making is not valid, but I take it seriously as it comes from him. The intention is that the order should be covered by clause 33, hence the reference to that clause in clause 101(6), but we shall consider this point if it is troubling the right hon. and learned Gentleman.

Mr. Hogg: I am grateful to the Secretary of State for his generous response. I see the reference to clause 33, but I also see the reference to a statutory instrument containing subordinate legislation. The order power under clause 33 does not include subordinate legislation: it is merely a prohibiting power, which is different in kind.

My right hon. Friend the Member for Devizes is right to emphasise that the power under clause 33(1)(a) or (b) is not subject to any obvious control. If we leave aside the question whether it is a negative resolution, the only other remedy is judicial review. It is not clear which court will have jurisdiction: perhaps the Secretary of State will intervene on that point. He will know that it is not the business of a court on judicial review to consider the merits of the order, but merely to determine whether it is intra vires or whether the Secretary of State is acting unreasonably, which is really the same point.

Mr. Dewar: The right hon. and learned Gentleman is making important points. The judicial review would be taken in the Court of Session in Scotland. It would be a challenge from Scotland and would be dealt with by the Scottish courts.

There is an important distinction between the governor generalship powers, as they are sometimes called, under the 1978 legislation and the powers in the Bill. Under the 1978 legislation, the Secretary of State could have intervened on the basis that he did not like the policy that was being followed by the Scottish Parliament. The Bill provides an important qualification. It is no good the Secretary of State pleading that he does not like the policy: it must have an adverse impact on reserved powers. That is a sharp distinction.

Mr. Hogg: That is a good debating point, but it does not go as far as the Secretary of State thinks it does. Under

the Bill, the Secretary of State would merely have to show that he or she had reasonable grounds to believe that the policy would have an adverse effect. I have never encountered the phrase "adverse effect" in legislation. There is no qualitative assessment of how serious the adverse effect should be. It could be very slight to trigger the power.

Mr. Salmond: Does the right hon. and learned Gentleman agree that the permissive aspect lies in clause 28? Clause 33, which empowers the Secretary of State to intervene, cannot be considered a permissive clause.

Mr. Hogg: I think that the Secretary of State has a good point. He is arguing that a total prohibition on the Scottish Parliament to deal with issues that touch on—I use a loose phrase—reserved matters would be a total barrier. He is enabling the Scottish Parliament to pronounce on reserved matters subject to the right of the Secretary of State to intervene if he thinks fit and to other controls. To that extent he is right to say that it is an enabling power. However, he goes further than he should. *[Interruption.]*

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. There are many conversations in the Chamber. The right hon. and learned Gentleman is dealing with a complicated matter and he should be heard. Anyone who wants to engage in conversation should leave the Chamber.

Mr. Hogg: The Secretary of State overstates his position by his failure to acknowledge that the exercise of the power is not subject to effective constraints. In that sense, I agree with the hon. Member for Banff and Buchan (Mr. Salmond).

Mr. Salmond: Does the right hon. and learned Gentleman agree that if one accepts the basic structure of the legislation, with its reserved and devolved powers, without clause 33 there would be no clause 28? In that sense, it is permissive. Will he comment on the fact that we are debating the adverse effect of an operation on an enactment and not a power?

Mr. Hogg: On that narrow point, there is nothing between me and the hon. Gentleman. I have said that I agree that, in reality, clause 33 gives an enabling power. However, it is couched in such terms that it will give the Secretary of State unfettered power to intervene.

Mr. Grieve: Will my right hon. and learned Friend comment on the juxtaposition of clauses 32 and 33? We have been dealing with clause 33, but clause 32 provides specific instances for reference to the Judicial Committee when there is likely to be conflict over competence. Why have clause 33, unless it is to enable action beyond that? I do not understand that.

Mr. Hogg: I think that the Secretary of State wants to go beyond that for the reasons that he has outlined and for which I have some sympathy. My hon. Friend's point is sound because clause 33(1)(a) deals with international obligations that may contravene an enactment of the Scottish Parliament, and such matters could be put to the Judicial Committee. If they were, that would provide some safeguards in the interests of the hon. Member for Banff and Buchan.

Mr. Salmond: We are debating an amendment that would delete clause 33. Was that amendment moved to enhance or diminish the powers of the Scottish Parliament?

Mr. Hogg: My right hon. Friend the Member for Devizes moved the amendment so that the House could have a clear view of the extent of the powers that are to be conferred on the Secretary of State. There is a respectable case for clause 33(1)(a), but I question whether 33(1)(b) is quite in that category. *[Interruption.]*

Mr. Barry Sheerman (Huddersfield): On a point of order, Mr. Deputy Speaker. Conversations are breaking out again. Perhaps the right hon. and learned Gentleman is speaking in some sort of upper-class, barrister gabble that no one can follow.

Mr. Deputy Speaker: The right hon. and learned Gentleman is in perfectly good order. I can understand him.

Mr. Hogg: We have known each other a long time and we have become very familiar, Mr. Deputy Speaker. The point that I am making to the House, although not, I think, to the hon. Member for Huddersfield (Mr. Sheerman), is that such powers should be subject to effective constraint. The objection to the clause is that they are not subject to any obvious constraints. That is why I am against the clause.

Sir Teddy Taylor: I have just a few minutes, but I hope that hon. Members will think carefully about a matter on which I feel strongly—that clause 33 is the basis for a Parliament which, I am afraid, will be a rather pathetic Parliament. It will lead to frustration and will be a source of conflict with the United Kingdom Parliament. I shall give an example.

Mr. Deputy Speaker: Order. I cannot allow the hon. Gentleman to go wide of the amendment. We are debating the powers of the Secretary of State, not the Scottish Parliament. The hon. Gentleman has had other opportunities to speak about that.

Sir Teddy Taylor: I am sorry, Mr. Deputy Speaker. I was coming on to that in my second sentence. The Secretary of State is taking the power—the complete power—basically to overrule laws passed by the Scottish Parliament.

Imagine just one or two examples of what that will mean. I mention one particular one: the Lockerbie bombing, which has haunted many Members of Parliament and others for a long time. If the Scottish Parliament took the view, because this explosion happened in Scotland and because it felt that the people who had lost their relatives and friends in the bombing deserved to find out the answer, that a special Scottish law should be passed on how the case should be tried—and perhaps even on which procedures should be used—and if the Secretary of State, because of advice from the Foreign Office, said, "That Bill is dead," how would the

[Sir Teddy Taylor]

people of Scotland feel? I have spent most of my life in Scotland. I know that nothing would make them feel more sick or miserable than if the English Parliament—as they would call it, although it is a UK Parliament—overturned the views of the people of Scotland on that matter.

Let us think of another issue on which I know people in Scotland feel strongly, and on which I feel passionately and have a recorded interest. Let us assume that the Scottish Parliament takes a strong opinion on opencast coal.

Mr. Deputy Speaker: Order. Again, the hon. Gentleman must remember that this is a limited debate. I will not allow him to go on to discussions about the Scottish Parliament. With this amendment, we are talking about the powers of the Secretary of State.

Sir Teddy Taylor: I am sorry, Mr. Deputy Speaker.

If the Scottish Parliament were to do that, the Secretary of State could step in and say, "That law is dead. That law is finished." Hon. Members should appreciate that, under clause 33, we are basically giving the Secretary of State an unrestricted power simply to walk in and to tell the Scottish Parliament that what it is doing is wrong—because, in his opinion, it conflicts with some international obligation or with some other aspect of Government policy for the UK or for Scotland.

There is no doubt at all that the wording used causes concern.

Mr. Dewar: May I in just one sentence say to the hon. Gentleman that he has misunderstood the situation and that the Secretary of State could not do any such thing?

Sir Teddy Taylor: I am sorry, but the Secretary of State can promote an order, which is put before the House of Commons. That order—it is laid down specifically—can be discussed and Parliament, of course, will decide.

In this clause, there is the basis for the break-up of Britain. Unless some restriction is placed and unless we have a clear demarcation of the lines of responsibility, whereby the Secretary of State's power is limited or controlled, we are not improving democracy, but paving the way for Britain's break-up.

Mr. Dewar: Let us take the hon. Gentleman's opencast coal example, because it is interesting. There is no question of the Secretary of State in the UK Government saying, "You cannot pass a law that is properly within the devolved powers, because we do not like it." He could say, of course, that opencast coal was a reserved matter for the Department of Trade and Industry. Without the mechanism I have described, which is in the Bill, the Scottish Parliament might not be able to pass a planning law that had an impact on opencast coal, which is reserved. Therefore, we have to have the enabling flexibility that this mechanism gives.

Sir Teddy Taylor: That is exactly the point that I am making. I hope that the Secretary of State will think about it because he will have to deal with it. The Bill clearly says that opencast coal is a reserved matter, but there are exceptions to this. Those exceptions could produce Scottish law. Having warned him what would happen to the SNP once this came through, I hope that he will think carefully. What if the Scottish Parliament does pass a law and sends it to him, or he is notified of it? What if it is clearly and specifically on planning aspects and, in his opinion, conflicts with Government national policy? There will a row. There will be problems. I hope that the right hon. Gentleman will appreciate and remember what I have said, because we have had sparrings over many years.

The Scottish Parliament—the Secretary of State will be the recipient of this—will probably pass a law every six months which, unfortunately, under this clause the Government will have to overturn. Just imagine the consequences if that happens. Having come from Scotland, and knowing the strength of the views of the Scottish people, I am afraid that it will cause great anger and distress. Inevitably, it will lead to break-up, and not to better government.

The Secretary of State may shake his head and think that I am wrong about that, but we should talk about the matter again in two or three years.

Mr. Grieve: I should like briefly to pick up on the points that have been made on clause 33. The Secretary of State asked where Conservative Members were coming from. We are trying to improve clause 33. Will the right hon. Gentleman re-examine the clause, which will be considered in the other place? It is odd that there is no mechanism of reference to the Judicial Committee of the Privy Council when there is a dispute, and when the Scottish Parliament and Government wish to dispute the competence of the Secretary of State. Such a mechanism would solve many of the problems in clause 33.

Mr. Dewar: Does the hon. Gentleman accept that there are two distinct issues: vires, and a mechanism to deal with knock-on effects on reserved matters, to allow the flexibility that I have mentioned? Those two different issues should not be confused. I am a little surprised that the hon. Gentleman is confusing them.

11 pm

Mr. Ancram: We have had a useful debate on a very important clause. However, we have not clarified the issue—if anything, we have rather muddied the waters, which is a matter for concern. My own view is that the clause still places in the hands of the Secretary of State a draconian power which is inconsistent with the desire of all hon. Members to ensure that the legislation works in a manner that will not cause future conflict between England and Scotland.

If the Secretary of State is right and the clause is enabling, I am worried, because I can foresee a Scottish Parliament testing the line ever further, to discover how far across the line it can move before it is thought to be acting adversely in reserved matters. I am even more worried by the fact that—as my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) said—it will be not the Secretary of State who will be dealing with those issues, knowing what they are about, but any Secretary of State in the Westminster Government. Clause 33 would cause only conflict between Edinburgh and London, and we have to prevent that from happening.

Amendment No. 1 was essentially a probing amendment, and I should like to ask leave to withdraw it. However, I should like to press amendment No. 5, which is a useful answer to the specific conundrum with which we have been dealing.

I therefore beg to ask leave to withdraw the amendment.

Hon. Members: No.

Amendment negatived.

Amendment proposed: No. 5, in page 16, line 12, leave out

'(a) which the Secretary of State'

and insert

'which the Secretary of State, having taken legal advice,'.—*[Mr. Ancram.]*

Question put, That the amendment be made:—

The House divided: Ayes 132, Noes 296.

Division No. 273] **[11.2 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson , Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Faber, David
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hammond, Philip
Hawkins, Nick
Hayes, John
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maples, John
Mates, Michael
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Simpson, Keith *(Mid-Norfolk)*
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Stephen Day and
Mr. Oliver Heald.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Anderson, Donald *(Swansea E)*
Armstrong, Ms Hilary
Atherton, Ms Candy
Atkins, Charlotte
Barnes, Harry
Barron, Kevin
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Stephen
Cabom, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell-Savours, Dale
Canavan, Dennis
Caplin, Ivor
Casale, Roger
Chapman, Ben *(Wirral S)*
Chaytor, David
Chisholm, Malcolm
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Dewar, Rt Hon Donald
Dismore, Andrew
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Fatchett, Derek
Fearn, Ronnie
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Galbraith, Sam
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald

Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Jones, Barry *(Alyn & Deeside)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Livingstone, Ken
Livsey, Richard
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNamara, Kevin
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Oaten, Mark
O'Brien, Mike *(N Warks)*
Olner, Bill
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Roche, Mrs Barbara
Rooney, Terry
Rowlands, Ted
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Starkey, Dr Phyllis
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Vaz, Keith
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Janet Anderson and
Mr. Jim Dowd.

Question accordingly negatived.

More than six and a half hours having elapsed since the commencement of proceedings on the Bill, further consideration of the Bill stood adjourned, pursuant to the Resolution this day.

Bill, as amended (in the Committee), to be further considered tomorrow.

Prostate Cancer Screening

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. McFall.]*

11.15 pm

Mr. Christopher Fraser (Mid-Dorset and North Poole): I confess at the outset that I am not an expert on prostate cancer, its research, screening or treatment—nor do I have any medical training. I am also pleased to say that I do not have prostate cancer. For this debate, I have consulted widely within the medical profession; I am extremely grateful for the advice and guidance that I have received. I particularly grateful to Dr. James Dobbie, senior clinical research fellow at the university department of surgery at Edinburgh royal infirmary, for the time that he took to explain the issues involved.

I decided to move outside my field of knowledge because I realised that prostate cancer, its protection and treatment, is a matter of great concern to many of my elderly constituents and to the elderly male population of this country. However, prostate cancer and its associated problems can develop at a relatively early age; as with other cancers, it must be sensible to have periodic checks when young to detect it.

Nearly everyone to whom I have spoken about the subject knows someone who has been diagnosed as suffering from prostate cancer. It is the third most common cancer death in men—after lung and large bowel cancer—with a mortality rate of about 34 per 100,000 males. Currently, it kills more than 10,000 men a year in this country; by 2015, the figure is predicted to double. It has become a real threat to men's lives, yet many in my constituency believe that it has been largely ignored, whereas medical research on other cancers has been much more generously funded.

Cynics among us might think that, if the prostate were a female organ, we would be far further advanced in establishing a strategic approach to treatment. As a man, I bow to the dedication with which women campaign vigorously for research into the cancers that affect them, and for the ever-widening screening programmes that are available to them. I suspect that the male of the species is much more reluctant to discuss such intimate matters; many of us believe that our aches and pains will go away if ignored. Sadly, that is not always the case. The Institute of Cancer Research is campaigning to bring men's health issues to light, and to ensure that, where possible, cancers are caught early. I hope that this debate will add weight to that campaign.

The incidence of prostate cancer increases with age—it is sometimes described as an old man's disease. Only 12 per cent. of clinically apparent cases arise before the age of 65. The prostate is a male sex gland, about the size of a walnut, located below the bladder and in front of the rectum. Symptoms of prostate cancer include difficulties or delays in urinating, urinating more often than usual, pain during urination, a weak stream or blood in the urine, and pain or stiffness in the lower back or hips.

In contrast to other types of tumour, a unique feature of this cancer is the relatively high incidence of what is known as latent cancer in men over 50. The incidence increases steadily with advancing years, such that more than half of males over 80 have small focal areas of tumour in the prostate.

Is it any surprise that many of my constituents are fearful for the future, and distressed that so little is apparently being done? They may not appreciate the fact that only in a restricted number of individuals will those small areas of tumour become aggressive and extend outside the gland to cause clinical problems, and ultimately, for some individuals, death.

The difficulty is that the medical profession cannot predict with any great accuracy which of the small areas of latent tumour, when detected, will in time become aggressive and life-threatening. The on-going clinical debate concerns how one should treat the finding when a doctor discovers evidence of a focus of latent prostate tumour.

The characteristic features of a prostate tumour and its behaviour are absolutely central to understanding current medical consensus on the issues of the diagnosis and treatment of prostate cancer. As the House will know, there is currently no national screening programme for prostate cancer. In the absence of such a programme, patients diagnosed with the disease have usually sought help from their doctor following the classic symptoms that I described. Their discomfort is such that their condition is often well advanced.

Most informed opinion is in favour of careful clinical monitoring of the patient, together with regular blood tests for a protein specifically released by the prostate, known as prostate-specific antigen, or PSA, the level of which in the blood rises if the tumour changes from latency to local expansion and spread.

Dr. Ian Gibson (Norwich, North): Is the hon. Gentleman aware that the PSA test is not absolutely reliable—many women with breast cancer also give off PSA—and that we really need a sensitive genetic test, which will probably come from the human genome project, allowing us to determine whether a benign cancer will move into the malignant state? Treatment could then be targeted accurately to the individual.

Mr. Fraser: I agree entirely. The problem concerns the way in which the research is done and how the gene is to be identified. Currently, there is literally a wait-and-see process, which is unhelpful and desperately upsetting for those who suffer from the cancer.

The patient and his family suffer considerably, because it is not clear how the cancer is caused and what can be done when it is diagnosed. It has been said that the majority of sufferers die with, and not of, prostate cancer. My concern is that that clichéd prognosis is breeding complacency.

Jane Griffiths (Reading, East): The hon. Gentleman mentioned the Institute of Cancer Research. Its campaign, designated Everyman, concerns male cancers in general. Early diagnosis is important, but so is early awareness on the part of the patient and his family. It is especially important to be aware that symptoms such as he described will not be attributable simply to old age, but may indicate a disease that can be treated. With early diagnosis, the trauma can be minimised.

Mr. Fraser: I thank the hon. Lady; I am indeed aware of that, and such awareness is spreading across a wide age group.

[Mr. Fraser]

I am concerned that funding for vital research is far too low. Prostate cancer research receives less than £1 million a year, compared with £16 million for breast cancer and £40 million for heart disease. Prostate cancer, however, is the third most common cause of male cancer death. It is predicted that it will overtake both lung and breast cancer, and become the most common cancer in the United Kingdom by 2018.

One obvious possible reason is the increasing age of the population, but we do not know what causes prostate cancer. We do not know whether diet or the environment are relevant factors. There is evidence that men with brothers or fathers who develop the disease are at a higher risk, and incidence is thus likely to spiral. To address that grim future, the medical profession must now actively seek ways in which to treat the cancer, and to try to reduce the number of deaths from it.

There are three ways in which the medical profession can do that: prevention, the development of more effective treatment methods, and early detection. Although much work is being done on treatment strategy, only early detection is currently available—but here we return to the problem of predicting the future behaviour of any latent focus of the disease.

In the past few years, a considerable professional and public debate has developed in the United States. Urologists, oncologists and primary care practitioners—along with health planners, health economists and the lay press—have struggled with the complex issues of early detection and screening. That has given rise to both American and European randomised studies in screening for prostate cancer.

The aim of a screening programme must be to identify, as early as possible, latent tumours that will become aggressive, and to offer treatment that will increase the quality and length of life. Huge strides in molecular genetics are beginning to offer the prospect of more effective screening and more successful treatment. Surely, however, society cannot wait 10 to 15 years until the unequivocal results of the efficacy of early detection and treatment are provided by several international studies that are currently under way.

I accept that screening creates its own problems, including the over-detection of cancers that are not necessarily life-threatening; the unknown natural history of the disease in different individuals; the fact that screening is costly—although there is a relatively cheap prostate specific antigen test—the natural anxiety associated with screening tests; and the potential harm involved in investigating healthy men. There are also ethical and legal implications, as well as people's natural concern about their insurance premiums.

We must remember, however, that screening programmes have been accepted by women, who recognise that there may be something wrong with them and who clearly welcome the fact that they are taking control of the situation. The disadvantages that I have listed are considered to be a price worth paying when they are offset against the advantage of early detection and early treatment.

Mr. Howard Flight (Arundel and South Downs): The health authority in my constituency is phasing out screening, on the basis that it is unreliable. I think the gist of what my hon. Friend is saying is that, given the likelihood of detection, phasing out screening is a mistake.

Mr. Fraser: We are talking about a combination of factors—not just screening, but the research that accompanies it. If screening is not efficient and effective, it can be argued that there is no point in proceeding with such a programme, but if research will lead to better screening, health authorities should take it more seriously.

If we are to make progress on all fronts, we need vital information that can be gained by screening for prostate cancer.

For example, does treatment for localised prostatic cancer result in a reduction in morbidity and mortality? Do screening tests identify patients who are curable and need to be cured? What are the best screening tests, and in whom, for whom and how often? Can we afford a national screening programme? That is a major consideration.

The interim recommendations of the American Urologic Association and the American Cancer Society are:

"All men over 50 years of age should have an annual rectal examination and Prostatic Specific Antigen blood test performed".

In this country, the Institute of Cancer Research has expressed grave concern about widespread ignorance among the population about male cancers, including prostatic and testicular cancer. Through its Everyman campaign, as previously mentioned, it is seeking to raise awareness of, and funding for research into, male cancers. I add my voice to that campaign.

We must work to determine what causes prostate cancer and how to treat it. Then we must establish a national screening programme to give early warning of the disease. Without more funds and a strategic and aggressive research programme, prostate cancer will threaten the lives of increasing numbers of our aging population. We must not allow that to happen.

11.30 pm

The Parliamentary Under-Secretary of State for Health (Mr. Paul Boateng): The hon. Member for Mid- Dorset and North Poole (Mr. Fraser) is to be congratulated on having raised an important and topical matter. The Government certainly recognise that prostate cancer poses a serious threat to men's health: 8,254 men died from it in England in 1996. Although it is encouraging that the overall mortality rate has fallen somewhat over the past five years, prostate cancer remains second only to lung cancer as a cause of cancer deaths in men. Unfortunately, as he recognises, there is no clear evidence about its causes. Unlike with lung cancer, where we know that smoking greatly increases the risk, we cannot advise men of ways in which they can reduce the risk of developing prostate cancer.

Given the circumstances, it is understandable that there should be considerable interest in the prospect of a screening programme similar to the breast and cervical screening programmes to detect prostate cancer at an early stage. It was as a result of, and in response to, those concerns that the Department of Health standing group on health technology made prostate cancer one of its original priority areas for health technology assessment. The Department commissioned two systematic reviews

of the diagnosis, management and screening of early localised prostate cancer from the university of Bristol and the Institute of Cancer Research.

The results of the two reviews were published early last year, and produced a clear recommendation that the current evidence does not support the introduction of a national screening programme for prostate cancer at this time with the available technology. I am well aware that that recommendation came as a disappointment to some, but it is important to understand the reasons for it. The contributions of my hon. Friends the Members for Norwich, North (Dr. Gibson) and for Reading, East (Jane Griffiths) raised some of the difficult and complex issues involved.

Current evidence suggests that the introduction of a screening programme would result in unnecessary, painful and potentially harmful treatment for many men. The age profile of those experiencing and living with this problem suggests why that might be. Although prostate cancer can be a killer, the evidence suggests that many prostate cancers are slow-growing, and unlikely to cause clinically important symptoms during a man's life, not least when they develop late in life, when other forms of illness responsible for death are more likely to bring about death than the cancer in question. Autopsy studies show that 30 per cent. of men over 50, who had no symptoms of prostate cancer while alive, had histological evidence of prostate cancer at the time of death. That percentage rises to more than 50 per cent. in men over 80 years of age.

Measurement of serum prostate-specific antigen is the most commonly advocated method of screening for prostate cancer, and my hon. Friend the Member for Norwich, North brings his considerable experience to bear on the issues surrounding PSA. After blood tests showing raised PSA levels, men would be asked to undergo transrectal needle biopsy—TRNB—of several segments of the prostate under ultrasound guidance. It is estimated that between two thirds and three quarters of men undergoing TRNB would not have any form of prostate cancer. Studies also suggest that two thirds of the prostate cancers detected by PSA screening would not be clinically significant.

Detecting a cancer early is of little value if patients cannot be offered effective treatment. Unfortunately, there is currently no medical consensus about the best way to treat prostate cancer. The most common policy in the UK is "watchful waiting", which may be accompanied by regular PSA testing or physical examinations.

Radiotherapy is one alternative to watchful waiting. Unfortunately, that treatment may have serious side-effects: damage to adjacent organs such as the gastro-intestinal tract and bladder occurs in 36 per cent. of patients and impotence occurs in 40 per cent. Radical prostatectomy, entailing the removal of the entire prostate, is a common first-line treatment in the USA, and is increasingly used in the UK as well. Again, that treatment entails substantial risks to the patient, including incontinence or impotence. Currently available research indicates that survival with watchful waiting, radiotherapy and radical prostatectomy is relatively high, and does not suggest any significant difference in mortality between the three methods.

To sum up, there is no reliable evidence to determine whether early detection and treatment of prostate cancer improves survival. The considerable uncertainty about the natural history of prostate cancer, the accuracy of screening tests and the best form of treatment all hamper our ability to make an accurate assessment of the costs and benefits of any screening programme. No one can deny that annual PSA testing will detect a number of clinically important cancers. The health technology reviews suggest, however, that annual testing would also lead to unnecessary anxiety and discomfort for many men, and the possibility of potentially harmful and costly treatment bringing uncertain benefits.

It is ethical to offer someone a screening test only when it is likely to do more good than harm. Ethical considerations undoubtedly affect judgment as to whether screening is the best way forward. The hon. Member for Arundel and South Downs (Mr. Flight) spoke of the judgment made by his health authority on that question.

Given the lack of evidence of benefit and the possibility of harm, the reviews concluded that a national prostate screening programme simply could not be justified. It was on the basis of those studies that the national screening committee recommended that there was no case for a national prostate screening programme. That recommendation was accepted by Ministers, and EL(97)12, issued in June of last year, advised health authorities that prostate cancer screening should not be routinely offered to patients.

This debate gives us an opportunity to look briefly at what the future might hold, because there is undoubtedly a need for further research into prostate cancer. The Government welcome initiatives such as the Everyman campaign launched by the Institute of Cancer Research last year, seeking to raise awareness of male cancers as well as funds for research. There is much that we can learn from campaigns spearheaded in respect of cancers suffered by women, just as there is much that we can learn from women about the importance of self-examination, and of men being less hung up about discussing our bodies, either with each other or with our GPs. We men understand the problems we experience on that. We have to learn to overcome our natural reticence, in the interests of our health.

The Government are aware of the work of the Prostate Cancer Charity and the Prostate Research Campaign UK. We want to work constructively with the voluntary sector to find the best way to tackle prostate cancer. Several journals, organisations and programme makers also contribute to raising men's awareness of the importance of taking action to assist in the early diagnosis of the condition.

Prostate cancer remains a priority in the Department's health technology assessment programme. Five proposals for a trial of treatments for the spectrum of prostate cancers likely to be identified by a screening programme are being considered. The average cost of the proposals is £2.5 million. A funding decision is expected next month.

That will be a significant Government investment in prostate cancer research, giving us a greater understanding of the disease and possible methods of treatment. That knowledge should enable us to make progress in tackling the condition. Although no change in the policy on screening is envisaged in the near future, the national screening committee will continue to keep the issue under review in the light of any new evidence that emerges. As the hon. Member for Mid-Dorset and North Poole has said, it is important to keep research under review.

[Mr. Paul Boateng]

The Government are committed to seeking to provide equal access to high-quality health services. We are giving particular priority to improved cancer services, including those for prostate cancer. We have fully endorsed the recommendations of the Calman/Hine report, "A Policy Framework for Commissioning Cancer Services".

The report recommended improved organisation and delivery of cancer services through the development of a skilled, multi-disciplinary work force, better co-ordination between primary, secondary, tertiary and the voluntary sectors, and a greater involvement of patients in care and prevention through improved public education, information and counselling. That is already happening in many hospitals and centres of excellence, from district general hospitals to the great teaching hospitals. The Central Middlesex hospital in my constituency is doing important work.

A great deal of work is under way in the NHS to implement the Calman/Hine recommendations. We shall continue to work on identifying units and centres where, with local agreement, we can ensure that specific cancers are treated at hospitals where particular expertise is being developed. In many regions, that has involved site visits by multi-disciplinary teams to assess cancer provision against agreed standards, to identify strengths and weaknesses, and to agree a time scale for change and improvement.

In the White Paper "The New NHS", we have set targets for urgent referrals to cancer specialists to catch the problem as early as possible. Everyone with suspected cancer will be able to see a specialist within two weeks of their general practitioner deciding that they need to be seen urgently and requesting an appointment. We shall guarantee those arrangements for everyone with suspected breast cancer by April 1999, and for all other cases of suspected cancer by 2000. The initiative will benefit all cancer patients, including those with prostate cancer.

I am confident that last year's decision not to introduce prostate cancer screening was correct. The decision was taken responsibly in the light of all the available evidence and after carefully weighing up the potential benefits, the possible harm and the uncertainty surrounding many of the important questions.

Tonight's short debate has enabled us to consider several issues across the Chamber and for the benefit of a wider audience concerned about the problem. I assure the House that we shall continue to keep the issues under urgent review, taking forward the cause of research. We cannot allow complacency or indifference to creep into our consideration of the issues. Men are challenged to take seriously issues concerning their own health. We look forward to working with the voluntary sector and all those concerned about improvements in men's health.

I thank the hon. Member for Mid-Dorset and North Poole for enabling the House to debate the issue. We shall continue research in the area. We look forward to a satisfactory conclusion of that work, and an amelioration of the suffering that prostate cancer causes.

Question put and agreed to.

Adjourned accordingly at fifteen minutes to Twelve midnight.

House of Commons

Wednesday 13 May 1998

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Drug Misuse

Motion made, and Question proposed, That this House do now adjourn.—*[Ms Quin.]*

9.34 am

Mr. Peter Bottomley (Worthing, West): I thank the Minister for moving the motion, and welcome her to the Front Bench.

It may help if I give the accepted definition of drug misuse. It is best defined as the non-medical use of drugs intended for use only in medical treatment and the use of drugs that have no accepted medical purpose. Such drugs are controlled under the Misuse of Drugs Act 1971. That Act does not cover solvent misuse.

The main drugs that are misused are opiates, such as heroin; stimulants, such as cocaine, amphetamines and Ecstasy; tranquillisers; hallucinogens such as LSD; and cannabinoids, such as cannabis.

First, let me say that I have done plenty of things that I ought not to have done. I am not an expert on drugs but I want make practical suggestions on the culture that affects the number of people who take up drugs and the way that they use them in front of other people and what might be an additional effective way of coping with the undoubted problems of drug misuse.

To those who want to consult the real experts, I commend a book by Commander David Stockley called "Drug Warning". It is subtitled "An Illustrated Guide For Parents, Teachers and Employers", and is published by Optima.

David Stockley was a commander in the Metropolitan police. The information is factual. I recommend that parents who find that their child is involved in drugs read the book so that they understand what is involved. The author reminds us of some of the warning signs that a young person may be using or experimenting with drugs. He says that there is no simple answer, but mentions out-of-character behaviour; loss of appetite; being either unusually sleepy or unable to sleep at night; bouts of talkative, excitable and overactive behaviour; being unusually irritable, aggressive or even violent; changing moods, from happy and bright to moody and confused, for no apparent reason; telling lies or acting secretively; losing interest in school work; and truanting. He further mentions changing friendship patterns; losing interest in hobbies and sports; money or valuables disappearing from the home; coming to the notice of the police for unruly, disorderly behaviour or dishonesty; unusual spots, sores and marks on the body or arms or around the mouth and nose; and stains and chemical smells on clothing and about the body.

I read that list not to frighten people—although some aspects of the misuse of drugs may be frightening—but because when people get involved in something that they regret, or will probably come to regret, it is important that they do not go on experiencing their problems alone. It is important that those around such people, especially young people—parents, teachers and people in the community—are in a position to ask whether there is a problem and say that it ought to be shared with them. Young people should not go through difficulties alone. It weighs and preys on them and changes their lives unnecessarily.

I want to acknowledge, although not concentrate on, another point. I realise that the debate will go wider than my contribution. Most crime is not drug-related, but some people involved in drugs, especially the heavier end of drugs, are responsible for irruptions of crime that can be severe in local areas. When we lived in Stockwell, there was a drug dealer in the block of flats opposite. When that flat was in constant use, the amount of crime in the area was horrendous. People might expect almost weekly to suffer some assault on their car, their home or themselves. I do not want people to get the idea that all that we have to do to solve crime or drugs is take away the criminal behaviour that surrounds drug dealing and some of the pushers, however. I do not wish to go into crime in great detail, but it matters even on a small scale.

I talked to a constituent in Worthing last week. She was an elderly woman who had lost a locket given to her by, I think, her godmother. It was of no particular value to anyone else. Its street value was probably so trivial that a smoker who did not smoke cigarettes for a day would probably save the same amount. To my constituent, however, it was a link to someone who had mattered a great deal to her. I do not want to start bringing out the tears for all these things, but they show that it is worth working hard to deal with such behaviour and try to reach a level, which I hope we can reach in this country, at which crime, or at least personal crime of the kind that I have described, is virtually unheard of.

The leadership given by the Government on drugs will be welcomed. I hope that they make progress. The work is built on the work that Tony Newton led when he was Lord President of the Council, and on the 1994 document "Tackling Drugs Together", the annexes to which contained not only information about the link between drug misuse and crime but an overview of drug misuse statistics. Obviously, only a part of the figures can be known, but it is important that, in our monitoring of progress and setting of targets, such an approach is brought from the annexes to the front.

I wish to draw a parallel with the experience of tackling drink-driving, with which I was associated for a time. If we run campaigns on drink-driving in accordance with the temporary interests of the media, we are unlikely to get it right. We had to have some sense of the incidence and pattern of drink-driving, the people affected and where it happened. We need an approach that will get at the culture of people doing things that are wrong. Clearly, drinking is not unlawful and driving is not unlawful, but the combination of the two is.

We spotted that we would not make progress without dealing with young men. There is a parallel with drug misuse, which is predominantly, although not exclusively, a young male activity. We realised that, if we did not deal with young men and their drinking and driving, where they drank, and the type of social life that they had, we

[Mr. Peter Bottomley]

would not be involved in the areas in which we could make a difference, or get them to make a difference. We spotted the fact that they were the ones who had to make a difference—one of the themes of what I want to say this morning.

We—society, not the Government—cut drink-driving by young men from about 2 million occasions a week to about 600,000 occasions a week within two years, with no change in the law, sentencing or enforcement. So two thirds of an illegal, socially unacceptable, body-damaging habit evaporated. The reason why it happened is not known to most people, because, although it is perhaps the biggest cultural change since the war, there has not, to my knowledge, been a five-minute radio or television programme or a 600-word article in any of our broadsheet newspapers about how it happened. Although I occasionally say out loud what my view is, saying it before the House of Commons is probably the best way of keeping it a secret. But I will try anyway.

Ten years ago young people listened in large numbers only to Radio 1, the only national pop music station. No other cultural medium was accessible to most young people. When Johnny Beerling, the controller of Radio 1, said that drink-driving issues should be dealt with in news and current affairs on Radio 1, we knew that the right audience was being involved. People were not being preached at, but they were involved.

Pop music stations are now more diverse. Radio 1 does not have the same dominance, although it is still important. I commend to youth magazines and radio the importance of raising drugs issues as news and current affairs. It should not be a public service message from a 44-year-old Minister—I do not know how old the Minister is—but probably a discussion led by a 58-year-old disc jockey. It is important to make the message part of people's culture if we want to spread information and give people choices.

Mr. Paul Flynn (Newport, West): How does the hon. Gentleman react to the week-long debate on cannabis that was conducted on Radio 1, in which 25,000 people rang in to give their opinions, of whom 87 per cent. said that they wanted to see cannabis decriminalised?

Mr. Bottomley: If the most important issue in a week-long discussion on Radio 1 was whether cannabis should be decriminalised or remain a criminal offence, I think that Radio 1 missed the point. Decriminalisation of cannabis may be an issue of some interest, but what really matters is the information given on page 31 of *The Express* yesterday. When young people were asked:

"Are you worried about the effect of drugs on yourself?",

40 per cent. said yes. I do not know whether the question distinguished between misuse of illegal drugs and pharmaceutical drugs, but if 40 per cent. of young people say that they are worried, that strikes me as a worry that we ought to share. We should not share our worries with them; we should share their worries.

When young people were asked:

"Do you think drug use is spreading to younger boys?",

87 per cent. said yes. If 87 per cent. are worried, we should share their worries. We should not try to impose ours on them. It is in the nature of politics that relatively few people are elected to the House of Commons at the age of 21. Bernadette Devlin was and Paul Channon was, but I am not sure that many others have been. By our nature, we are rather older. So if 60 per cent. of young people say yes when asked:

"Are you worried about the effect of drugs on someone else?",

we should be concerned and share those worries.

My part in this debate is not to discuss whether things should be criminalised or decriminalised. It is to consider whether the House can start taking the worries about misuse of drugs as seriously as we appropriately did the worries about drink-driving.

Drink-driving now kills about 550 people a year. In the 1994 document "Tackling Drugs Together", the statistics show that deaths through the misuse of drugs number way over twice that figure. They are at the level at which deaths from drink-driving were when I became an assistant Minister at the Department of Transport in 1986. So the hon. Member for Newport, West (Mr. Flynn) has rightly, indirectly, pointed out the importance of having this debate and cutting the number of people who start to misuse drugs and the number of years or months for which they are involved in drug misuse, and of being far more open about what is happening.

At this point I want to come on to my second major point—my second of two. I have one or two other things to say, but the two major points are, first, that we must take a cultural approach in addition to other things that are happening. The Minister may explain what Keith Hellawell is doing. She may talk about the Government's update of the "Tackling Drugs Together" approach. My contribution is, first, to say that we must make the cultural approach to the misuse of drugs important. That means information, understanding and action that does not rely only on policemen, the courts and sentencing.

My second point is that it is outside my experience, but within my perception, that young people are not sold unlawful drugs the first time they are offered them. They are given drugs. If I am wrong in that and if young people are listening to this debate, they should let me know. I believe that almost every young person experiencing drugs for the first time, and possibly for the second, is given them by a friend, but after that, we are back into what research evidence shows. When people who are misusing drugs are asked where they get the money from, a significant proportion say that it comes from selling drugs to other people.

In effect, drug dealing is a pyramid-selling operation. I am told that I should not make comparisons with psychotherapy or Holiday Magic, but it seems to me that, if someone is on drugs, unless they happen to spend very little or are very wealthy, they are likely to get some of their money for their habit by selling drugs on to other people. To do that, they have to have a network and they cannot build that simply by happening to meet people at large parties or on the street. They are likely to ask their friends or people in contact with them, "Would you like to have some of this?"

Later on, when those people say that they would like some more, they say that the drugs have to be paid for. Once that happens, the pyramid goes on down, which ends in avoidable disadvantage, stress and handicap for the person who gets hooked. It also involves avoidable disadvantage, distress and handicap for those who become victims of crimes. The scale of crime that is necessary to

produce money to fund a drugs habit and the amount of cash paid to the person supplying the drugs is disproportionate to the great suffering caused.

Young people should be warned that the first time they are offered drugs it will probably be for free. They need to know that in advance: there is no point telling them afterwards. People have a choice whether to start using drugs or not to continue using drugs, having experimented with them. We should make the same plea as I make to smokers—I say that as someone who smoked for many years: I am still addicted, but I have not smoked for some time. They should try not to smoke in front of someone who is younger than they are. That would have been bad news for Deng Xiaoping, because he was one of the oldest people in China.

If we have a habit that we do not think should be spread to other people, we should try not to indulge in it in front of others. We may do it privately. However, 12-year-olds will be influenced if they see 14-year-olds taking drugs. They in turn will be affected if they see 16-year-olds taking drugs, who will be influenced if they see 18-year-olds taking drugs and so on up the age groups.

The information should be out in the open, and we should monitor the situation. If the Government's approach is working, it should show up not in the newspaper headlines—because newspapers and the media require more rapid results—but in the figures such as we had in the drink-driving campaign. Twice a year we had a pretty firm indication of whether drink-driving behaviour and the answers to questions about drink-driving were changing in the prime target group.

In 1987, if young men were asked, "Do you have to drink at a party to enjoy yourself, even if you are driving home?", the predominant answer was yes. By 1989, the predominant answer was no. That was associated with a change of culture. In 1987, the predominant answer to the question, "If you say that you're not going to drink at a party because you are driving home, will people think that you are a wimp?", was yes. By 1989, the predominant answer was no.

We need such a change of culture. If young people now were asked, "Do you think that misusing drugs is a sensible, good or cool thing to do?", I do not know what answer they would give. Such surveys are needed every six months or so, and the figures should be examined for each age cohort to establish trends over time. That may not draw much attention, but it helps those responsible for improving the position, and that is not only the Home Office, the Department of Health and parents groups—not that we have many effective parents groups in this country—but many others who want to make a difference and to improve the well-being and welfare of our young people.

Better work has been done over the past eight years and more is to be done in the next four or five years, and if the misuse of drugs is as common as it seems, the results should show a drop in such behaviour. Drug misuse involves people in inner cities and in more rural areas. It affects people who think that they have control over their lives and those who have not. It is not helpful merely to have a discussion such as *The Independent on Sunday* had about whether some drugs should be made legal. The problem is far more serious than that.

I welcome the sensible parts of the Government's approach. They are continuing the work that had been started under the previous Government. I hope that we can co-operate on this issue and test whether some of the claims being made make sense. When one listens to people on the streets talking about how they fell into a slough of despond for 10 years because of drugs, and about how they have tried to control their drug habit, one realises how important it is to prevent young people from becoming involved in drugs in the first place.

9.53 am

Mr. Paul Flynn (Newport, West): I congratulate the hon. Member for Worthing, West (Mr. Bottomley) on securing this debate. I pay tribute to him for his personal crusade against drink-driving, which saved thousands of lives. However, I believe that his approach to the problem of illegal drugs is not as developed as his successful case against drink-driving.

It is a unique pleasure to congratulate a Government on an illegal drugs policy. I am delighted to see the Minister of State, my hon. Friend the Member for Gateshead, East and Washington, West (Ms Quin) on the Front Bench. She has always dealt thoughtfully and pragmatically with my questions and with the matters that I have put to her. As was shown yesterday, the Government have adopted a drugs policy that does not seek popularity by appearing to be tough. They took an intelligent decision. The Government attitude to drugs in the past 30 years has been bedevilled by attempts to seek policies that are popular in the pages of the tabloid newspapers, but such policies do not work.

I challenge any view that drugs policies—either those of Tony Newton or of the present Government—are working. According to the only European measure of the harm being caused by drugs, which is from the Lisbon monitoring group, the drug problem in Britain is the worst in Europe. Heroin deaths have doubled in each of the past four years. Drug-related crime in this city has increased by an enormous amount in the past year. The Government and the drugs tsar admit that Britain is facing a new epidemic of heroin use. Virtually nothing that we have done has worked.

We cannot exaggerate the difficulties: this is the greatest problem facing Europe, and our peace and stability is threatened by the drugs mafias and cartels in the newly democratised states of eastern Europe. Drug cartels in countries such as Turkmenistan, Uzbekistan and Afghanistan, where the Taleban have decided that heroin is a gift from Allah and they are using it to fight their wars, have become so powerful that they can buy Governments. Such cartels make money mostly from drugs, although they are involved in prostitution and other crimes. In Colombia, there is a war between the drug barons and the Government, and we know that the forces of organised crime will win. This extraordinary, unrecognised problem of international crime in Europe threatens the stability of our continent. The problem of money laundering will be greatly simplified by the introduction of the euro.

As with the rise in criminal activity during the prohibition era in America between 1920 and 1933, these cartels have developed because there is only one market for the drug in demand, and that is an illegal market run by criminals. In Britain, even children of 13 can obtain drugs. The figures from the Department of Health show that 70 per cent. of men and 47 per cent. of women have used an illegal drug by the time they reach the age of 24. The market is saturated. Where do they obtain illegal drugs? The only source is irresponsible criminals.

[Mr. Paul Flynn]

Our only hope of reducing drug harm is to collapse that illegal black market. Drug dealers are committing the same crime if they sell a drug to a neurotic 10-year-old as they are if they sell it to a well-balanced 50-year-old. As in America in the 1930s, we have to collapse the market and replace it with a market that will not be harm-free, but will be licensed, regulated, policed and controlled. Then, if someone sells a drug to a minor or to someone with a known mental illness, they will be put out of business.

That is not just theory; it has happened in Holland. There is much black propaganda about Holland. In the past 18 months, I have been there three times—the last time with someone who was teaching young people in schools about cannabis. She explained to the Dutch that the problem with cannabis was that it made men impotent and women promiscuous, which is about as unsatisfactory a situation as one could imagine. It was interesting to see how so many Dutch men were willing to be generous with their time and energy and prove to the lady that the effects of cannabis on men were very different from what she imagined. That is the type of nonsensical propaganda that is preached about drugs.

This morning, we know that the Government have at last differentiated between cannabis and hard drugs. We must emphasise that there is a huge difference between the effects of a hard drug—a virulently addictive drug, such as heroin or tobacco—and those of drugs that are far less harmful. No drug is without harm, but young people use some drugs for a short time and then get over them. For the first time, in their prison policy, the Government are distinguishing between hard and softer drugs. I hope that, before long, a new policy will be announced on the exchange of needles in prison.

At the moment, cannabis is used as a drug of choice among young people. The hon. Member for Worthing, West rightly said that we should try to influence young people's views. There is a huge gulf of opinion between the current generation's experience of drugs and the experience—not mine; I have never had any experience of any illegal drug—of older generations. Nearly all the premature deaths of hon. Members in my time in Parliament have been the result of drug use. People are shocked when one says that.

Mr. Bottomley: Booze and fags.

Mr. Flynn: Several hon. Members' deaths were hurried by the use of alcohol, and many by tobacco; and at least one hon. Member was taking a near-lethal dose of a painkiller every day. I have often raised points of order in previous debates when the principal speaker on the Government side and the principal speaker on the Opposition side have been obliged to leave the Chamber for a fix, because they were both chain smokers.

The hon. Member for Worthing, West spoke about the first use of drugs. Heroin is now smoked, as cannabis is almost universally smoked, in this country. The gateway drug is tobacco; that is what draws people in. People's first drug is not cannabis or heroin, but tobacco, and hard drugs are often taken under the influence of alcohol.

The problems of drug use in this country are principally the problems of tobacco, alcohol and medicinal drugs. To find the place in any town in Britain with the largest number of people zonked out on drugs—walking around like zombies, incapable of communicating—we should go, not to some back alley to see the heroin addicts, but to a residential home, because 88 per cent. of elderly people in such homes are subjected to the use of neuroleptic drugs that they do not need.

There is enormous misuse of antibiotics and medicinal drugs on animals in this country. The animals do not have illnesses, but drugs are used to promote growth and to prevent illnesses that they might get.

Drugs are misused on an unimaginably vast scale. Significantly, every year 120,000 people die of tobacco use; between 25,000 and 40,000 of alcohol use; 2,500 of medicinal drugs; none of cannabis—whose pathology I shall discuss later—and about 180 of heroin. Unfortunately, it is said that solvents should be removed from the equation, but as many as 100 people die from solvent misuse.

The myth has been perpetrated—and is believed by most parents—that if a young person starts to take cannabis, inevitably they will go through a sequence of events and end up dead in a dark alley, with a needle sticking out of them. In fact, there is as much chance of a cannabis user going on to heroin as there is of a social drinker becoming a wino or alcoholic, for the same reasons.

Mr. Nigel Evans (Ribble Valley): Some people listening to the debate must ask themselves, "What is the hon. Gentleman on, to come out with some of the stuff that he is saying this morning?" He is trying to paint a picture of cannabis as an okay drug. It is made up of 400 chemical compounds, and doctors say that, in itself, cannabis is an extremely damaging drug. If we go down the route that the hon. Gentleman is suggesting, and allow a free-for-all—decriminalisation and legalisation of cannabis—does not he expect that, even with his licensed control and his licensed market, far more drugs will be available, and far more people will take drugs, than at present?

Mr. Flynn: The hon. Gentleman is a drug pusher—I have called him that in Parliament before, and I repeat it—because he runs a convenience store that sells cigarettes. It is cigarettes that lead people into cannabis and into heroin. If the hon. Gentleman is serious, he should read what the World Health Organisation said about cannabis—that if cannabis was used as cigarettes were used, it would not be as dangerous as cigarettes. *[Interruption.]* Wait a minute; let me finish what I am saying. However, cannabis is not used that way. No one smokes 40 cannabis joints a day—they normally use one, possibly two, at a weekend—so no reputable scientist would say that cannabis was as dangerous as heroin, cigarettes or alcohol.

However, that is not the problem. We must consider young people's drugs of choice and ask how we may deal with them in a practical way. I return to the case of Holland. I am not saying that anyone should take any medicinal or illegal drug; I should like people to take as few of them as possible, and preferably none. However, remarkably, in Holland, as a result of decriminalisation, the two markets have been separated, and cannabis use has not increased. In Britain we have almost reached saturation point with cannabis, but in Holland, any outlet that sells it to young people is closed.

The most significant effect of decriminalisation in Holland has been the effect on heroin use. In the Dutch population, it is almost unknown to find a heroin user under the age of 20, and since 1981 the average age of the heroin user has increased from 28 to 41. A larger proportion of heroin users are in their 60s there. Holland has half the proportion of heroin users to the general population that we have in Britain, and the number is decreasing. Meanwhile, the average age of heroin users in Britain has decreased from 29 to 28, and the drugs tsar says that heroin is being used by 13-year-olds.

Young people throughout the world are experimenting with soft drugs; nothing can stop that. We are not even trying to stop the use of Ecstasy. Ninety per cent. of young people at raves use Ecstasy, and the police no longer arrest them for doing so. The law is being ridiculed.

In prisons, drug use is endemic. This week, I asked the Under–Secretary of State for the Home Department, my hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth), how many prisons he expected to be drug-free in the lifetime of this Parliament, and the Government have yet to come up with an answer. That target is probably unattainable. If we cannot keep illegal drugs out of prisons, behind high walls, where people can be searched, where is the hope of keeping them out of clubs, raves and schools? We have lost that battle, and we can only ensure that, if those drugs are used, they are used in a way that causes least harm.

As a young man, I was told not to drink beer and not to smoke, and very soon we all went out and got into Woodbines and bitter beer because there was peer pressure on us to do so. Today's young people will be given similar warnings—we all say such things to our teenage children, myself included. However, if we had all told our teenage children, for example, "Don't take Ecstasy" but then said, "If you do, don't overheat, don't drink more than a pint of water an hour and don't take Ecstasy with any other drug," and if they had followed that advice, there would have been no Ecstasy deaths in Britain, because no one dies from Ecstasy alone. In Holland, there have been no confirmed cases of deaths resulting from Ecstasy, or solvent abuse.

Switzerland can also teach us lessons about hard drugs. That country has had all kinds of problems, especially with drug tourists.

In a recent referendum, 70 per cent. of the Swiss people approved of a proposal to treat confirmed heroin addicts not as criminals, which is futile, but as patients. Trials had shown that if addicts were given heroin—not methadone, which kills more people than heroin—in a rehabilitation scheme, there was an immediate drop in crime because the addicts did not have to become burglars or continue with other criminal activities or prostitute themselves to get money. They can relax, get their heroin and try to get off the drug and lead a normal working life. That policy has worked splendidly in Switzerland. It has had massive approval and is being adopted throughout the country.

Italy, Spain and 20 American states have decriminalised cannabis and in every case there has been no increase in its use. We must understand that. Britain is following the so-called tough policies of the United States. For 30 years the USA has conducted wars against drugs. It has bombed and defoliated the drug crops in its own country and elsewhere and has imprisoned some drug users for longer than murderers. It has had three drug tsars. The present one is a disaster and is known as the drugs nanny. The result is that Mexico now rivals Colombia as a source of drugs, and America faces the greatest ever use of heroin. Meanwhile, marijuana use goes up and down, as its use has nothing to do with prohibition. When there is a demand people will get the drug, and the USA has the worst drug-related corruption in its history.

The policy of prohibition has never worked anywhere. When a drug is in demand, there is a ready supply and people will get it. Drug education is a blind alley, but it figures prominently in the drugs tsar document and the White Paper. The policy is based on Operation Charlie. Photographs were taken of the drugs tsar and the Lord President of the Council in a school, and on that basis it is said that drug education will work. The absurd claim is that it will work by means of Janet and John lessons given to five-year-olds. Cynics might say that that is a convenient escape from intelligent thought, because no one will be able to tell whether the policy is working for at least 15 years, by which time the drugs tsar will have retired and Labour will be in its fourth term of government.

What is Operation Charlie—the operation on which is based the myth that drug education reduces drug use? It is difficult to get details or answers, but I received some a couple of days ago. Did it involve thousands of people over tens of years? It involved 43 young children over the period of a year, and people are reaching conclusions on that basis. A report has been presented about the effects of the Ecstasy sorted campaign last year. I begged the Government to give me a copy, and they supplied assorted pages—pages 7, 8, 9, 14, 20, 87 and 64. They are concealing from me what I know. Perhaps they will admit today that the effects of the sortie campaign—which was a well-intentioned response following the death of Leah Betts—was to frighten parents, unreasonably so. However, it increased Ecstasy use.

There is a wealth of evidence from all over the world, and especially from America, that drug education increases drug use. The worst example was in the 1950s in America, where there were serious drug problems in all the major cities. It was decided to solve them by means of drug education using teams of ex-drug users. Those people had been through everything. With their long hair and guitars, they explained to the kids that drug use was bad. They said, "Look at us. We have been through it. We have been through all the drugs and have experienced degradation and sexual orgies. Drugs are wicked and dangerous and your parents do not want you to use them." One could not imagine a more irresistible recipe for young people. Young people know that they are immortal, and they are risk takers.

The policy of exaggerating the danger of some drugs has the appeal of forbidden fruit to young people. Much of what we have done is futile, and the evidence for that is in the figures. The Government have presented some figures to show that problems have evened out. I ask the hon. Member for Worthing, West to look at the figures which I shall send him showing what has happened over the past 20 years. There has been a continuous rise in all drug problems in Britain, including an increase in drug deaths and drug-related crime.

[Mr. Flynn]

Our policies are not working, but the White Paper suggests that we should continue to implement them. There is next to nothing new in the White Paper. We must recognise that the only way to reduce drug harm is to separate soft drug use and hard drug use. We are learning about cannabis and I am sure that hon. Members will relate stories about its damaging effects. I am not suggesting that it should be used other than by people with serious illnesses. We have found two new ways of proceeding with cannabis: I have contributed to a splendid paper on that.

New dangers and problems have been found, but so have new medicinal uses. Cannabis affects the pressure on the inner eye. The Egyptians who built the pyramids 3,000 years ago used cannabis as an eye medicine, and we have now discovered that it reduces inter-ocular pressure. The new danger is that it has damaging effects, but no one suggests that it is an dangerous as the accepted drugs of our generation.

The equivalent of six prisons are filled with cannabis offenders at a cost of £60 million a year. There are plans to build 20 new prisons, each costing about £88 million. That is madness. If we continue to persecute people for using a drug that is less dangerous than, and nothing like as addictive as, acceptable drugs, we shall build up problems. If cannabis is decriminalised, we can save the £3 billion that is estimated to be wasted by prisons, courts and the police service on chasing young people for using their drug of choice. That money could be concentrated on the real drug problems, which come from eastern Europe and south America.

People say that the policy I am suggesting has no chance. It is extraordinary that the hon. Member for North Norfolk (Mr. Prior) is not in his place. He has said that he used cannabis when he was a young man and is in favour of legalisation. He wrote a splendid article about it. Unfortunately, in the atmosphere that prevails in Britain it is more dangerous to say that one is in favour of legalising cannabis than it is to say that one is homosexual. There is more scalding public contempt for expressing an intelligent opinion than for coming out of the closet.

I was shocked on Monday by the gratuitous schoolboy insult that was thrown at an Opposition Member for rightly saying that the use of cannabis in our gaols is seen as a pacifier. There is evidence that the Government accept that. Gaols containing cannabis users are much easier to run. People on the wacky backy are quiet and docile and do not break the furniture as they would do if they were on alcohol. Some prisoners are on alcohol. The only serious Government attempt to clear drugs out of prison occurred at Everthorpe. Every drug, including alcohol, was cleared from that prison, and the result was three days of rioting and a bill for several million pounds to put matters right.

We did not get an intelligent response from the Government. When the right hon. Member for Kensington and Chelsea (Mr. Clark) made his point on Monday, he received an answer unlike the one that we shall get from the Minister this morning.

In America in the 1930s there were those who said that decriminalisation of alcohol could never take place and that prohibition would never end. Many people now say that of drugs. I believe that cannabis will be legalised for medicinal use in two or three years' time, and for recreational use in four or five years' time. The Government will have to recognise that their policy is not working if they examine what is happening, now and in a year or two, when they are committed to judging it.

An American politician said in 1930 that prohibition would end on the day that a butterfly flew to the moon with the Washington monument tied to its tail. Three years later prohibition of alcohol came to an end. The prohibition of cannabis must come to an end very soon in this country, otherwise we will continue to increase all drug problems.

10.20 am

Mr. Bob Russell (Colchester): One of the most annoying political falsehoods of recent years is the slur and the claim that the Liberal Democrats support the decriminalisation of drugs. I invite the Minister to confirm that that is not the view of the Liberal Democrats.

Mr. Evans: The Liberal Democrats voted for decriminalisation.

Mr. Russell: The Liberal Democrats are not in favour of the legalisation of cannabis or any other banned drugs. We take the threat of drugs extremely seriously. We therefore proposed a royal commission to examine the threat of drugs and how best we can deal with that threat.

Mr. Evans: Will the hon. Gentleman give way?

Mr. Russell: The hon. Gentleman will have his go in a minute.

A royal commission is required to consider the issues involved more rationally than has been possible in the highly political debate of recent times. With drug use, particularly of soft drugs, being so commonplace, many have questioned the point of fighting against drugs. However, it is important to protect the weaker and more vulnerable members of society, the disturbed, the uneducated, the people who are easily led—

Mr. Evans: Will the hon. Gentleman confirm to the House that the Liberal Democrat conference voted for the decriminalisation of cannabis, and also voted in favour of setting up a royal commission?

Mr. Russell: The policy of the Liberal Democrats is to set up a royal commission, as I have stated. I regret the politicking that is taking place, primarily outside the Chamber. The Liberal Democrats support a royal commission, and many other organisations and individuals have followed that line.

We need to examine the facts rationally so that we can channel resources and strategies towards protecting the vulnerable. We have heard from both sides of the Chamber today that the drugs problem is formidable. The number of drug seizures is growing, as is the number of cases coming before the courts and leading to prison sentences.

The hon. Member for Newport, West (Mr. Flynn) suggested that the number of deaths from drugs could be minimised, but I am advised that the number of deaths in the United Kingdom attributable to the misuse of drugs increased to 1,805 in 1995.

In the context of the global drug problem, we know that raw material production is increasing, as is the production of synthetic drugs such as Ecstasy. The health and social consequences of drug abuse must be addressed. In their White Paper, the previous Government correctly identified the need to reinforce the law effectively and to reduce drug-related crime. There is broad party consensus.

Mrs. Teresa Gorman (Billericay): Is it not a fact that the fastest-growing crime in our country is burglary, and that a great deal of that is believed to be rooted in the search for money and goods to sell, to pay for drugs? If we want to reduce crime, should we not take a different view of those who take the drugs—which is self-abuse—and of those who are the victims of drug users, because the drugs are so expensive?

Mr. Russell: That was a timely intervention, as I was about to deal with the need to discourage young people from taking drugs. I endorse the hon. Lady's comments about drug-related crime. In my constituency, crimes related to feeding the drug habit are a major issue.

I endorse the sentiments of the hon. Member for Worthing, West (Mr. Bottomley) on the need to get the message home to young people and to discourage them from taking drugs. I should like to think that the hon. Member for Newport, West also agreed with those sentiments, if not with every word that the hon. Gentleman said.

I am concerned about the public health aspect and the need to protect communities from health risks. A constituent of mine was stabbed in her leg with a syringe thrown away carelessly in a black bin liner by her neighbour. That lady now faces six to nine months of worry and anxiety about the health risks to which she may have been exposed. We all pray that there are none.

The Liberal Democrats welcome the White Paper "Tackling Drugs: To Build a Better Britain—The Government's Ten-Year Strategy for Tackling Drugs Misuse". We broadly support the four strands, which are, first, to help young people to resist drug misuse to achieve their full potential in society; secondly, to protect our communities—in Colchester the other week some drug pushers were taken out of society and put in a place that I would like to think was safe, although we know that the drug problem in prisons is growing; thirdly, to treat those with drug problems; and, fourthly, to stifle the availability of illegal drugs on our streets and at schools, dance halls and so on.

We welcome the White Paper as a realistic statement of the issues. We particularly welcome the focus on education for children aged between five and 16. That is the age range at which we should aim, to enable those children to resist the temptation of drugs. The earlier we intervene, the better.

Mr. Desmond Swayne (New Forest, West): On what evidence is that premise based?

Mr. Russell: I assume that the hon. Gentleman is referring to the premise that people in prisons are taking drugs. He is a prison visitor. If he does not believe that statement, I suggest that he check it.

We will look to ensure the consistent availability of treatment programmes, rather than the patchy, overstretched provision currently offered. We agree with the Government's vision, but we are disappointed with the level of resources to meet it.

Drugs in prisons, as the Minister will confirm, are a massive problem. We hope that the Government will not take shortcuts in resourcing their proposals to rehabilitate drug users. We support greater continuity of care between prison and the community, especially for those serving short sentences, so that the cycle of drugs, crime and prison is broken.

In conclusion—there is only one conclusion—I invite the Minister to confirm Liberal Democrat support for a royal commission on the drugs culture. Will she give an assurance that the Government will support the setting up of a royal commission?

10.28 am

Mr. Alan Clark (Kensington and Chelsea): On Monday, the important subject of drug misuse in prisons was raised three times during Home Office questions. The Minister of State, the hon. Member for Gateshead, East and Washington, West (Ms Quin), answered considerately and courteously, and cited statistics to show what the Home Office is doing—on the number of prison dogs and so forth—saying that she hoped that further announcements about Government strategy would be made in due course.

A little later, I asked her colleague, the Under-Secretary, the hon. Member for Knowsley, North and Sefton, East (Mr. Howarth), a question on the subject and paid him the courtesy of saying:

"The Minister may well be serious and sincere in his contention that he is trying to wage a war on drugs in prisons, but, if he looks more closely at the Prison Service, he will find that in many institutions their circulation is encouraged."

That is generally accepted, and I shall cite further evidence in a minute. The hon. Gentleman's answer was very unsatisfactory. Clearly, he had no idea what he was talking about and was blustering—I should have been delighted if the Minister of State had answered. He concluded by saying:

"It is simply not true, and it is about time that he,"—

talking about me—

"at his advanced age, grew up."—[*Official Report*, 11 May 1998; Vol. 312, c. 14.]

We all enjoy that sort of thing, but it is usual to rely to a slightly greater extent on the strength of one's argument than on what the hon. Member for Newport, West (Mr. Flynn) called "schoolboy insults".

Had I been so minded, I might have said that, before lowering himself to that level, the Under-Secretary should have assessed his own vulnerability to such remarks by looking in the mirror, because he is—

Mr. Peter Bottomley: He has not finished shaving.

Mr. Clark: Exactly. We should never reduce debate to that sort of level.

It has only been a couple of days since then, and not only have three Labour colleagues approached me about the subject and endorsed what I said, but I have had telephone calls from magistrates saying that it was perfectly true and something that must be brought out, and police officers have confirmed to me the validity of what I said. It is something that is well known.

[Mr. Clark]

Today, the *Daily Mirror* has run a story on the subject, consequent, I believe, on our exchanges in the House on Monday, which states:

"Jail bosses are going easy on inmates caught with cannabis"—

by bosses, it presumably means governors—

"in a new bid to cut drug abuse behind bars. Instead they will target prisoners using more harmful hard drugs such as cocaine and heroin."

The Minister will tell us whether that is a covert policy. Unfortunately, there is substantial evidence that some drugs—cannabis among them—are tolerated simply because they induce a degree of docility in prisoners, much as other drugs are used in other circumstances to lower the pressure and temperature inside an institution. The hon. Member for Newport, West gave the example of residential homes. That is playing into the hands of the drug barons and people who peddle drugs inside the institution. It is delegating power within the prisons to those who can provide the drugs.

If the hon. Lady were really serious about getting rid of drugs in prisons, she could do it. How? Target one prison at a time and prepare for the fact that the complete elimination of drugs within the building will, in all probability, lead to a riot, as it has done in the past—the hon. Member for Newport, West gave an example. One would have to have the resources standing by and everything available needed to deal with it. One would have to go through the trauma of whatever crisis it might induce, but then the institution would be free of drugs. One could move on from one institution to the next. Such action is perfectly possible—it may well be administratively undesirable and inconvenient. It is not true that one cannot stop drugs going into prisons and being circulated inside the prison walls. If the will is there, it can be done, in one prison at a time, with the maximum application of resources.

The editorial in the *Daily Mirror* today states:

"But why are there drugs in prison at all? They might as well open pubs and nightclubs in them.

Surely being in jail is a good opportunity to put drug-takers on cold turkey and wean them off the addiction."

Admittedly, that is a somewhat crude response.

The Minister of State, Home Office (Ms Joyce Quin): The right hon. Gentleman made some serious allegations when he asked his question on Monday. He said that the circulation of drugs in prisons was being "encouraged" by prison staff and that there was free circulation of narcotics in prisons. First, what hard evidence of that can he send to the Government? Secondly, how many prisons has he visited in the past few months to substantiate those allegations?

Mr. Clark: The answer to the second question is none. One does not need to visit a prison to substantiate accusations of that sort. I will certainly send the hon. Lady a dossier of the people who have written to me, and they include former prisoners. I am surprised that she should try to confront the problem so directly. Perhaps I should have said not "encouraged", but tolerated. I will be very surprised if she really denies that, because she has a completely different reputation to that of her junior colleague. She knows her brief and her subject. Why does she not talk to the Director General of the Prison Service, who has gone on record and said that, among many other things—

Mr. Peter Bottomley: It was the chief inspector.

Mr. Clark: Yes; I stand corrected by my hon. Friend.

Mr. Flynn: The Minister has been sent copies of evidence given to the parliamentary drugs misuse group not only by the chief inspector of prisons, Sir David Ramsbotham, but by three ex-prisoners—articulate and intelligent people, who said that drug use in prison is precisely as the right hon. Gentleman described it.

Mr. Clark: Yes. The House must allow the Minister to concentrate her mind on the issue. She is denying accusations on the basis of I do not know what briefing from officials in her Department, but she is setting her opinion—and, presumably, their advice—against that of Sir David Ramsbotham and the expressed opinion, based on experience, of police officers, magistrates and former prisoners. That is a tide of evidence that runs so strong that I am surprised the hon. Lady should simply resist it. Unless she accepts it and takes it on board, the strategy to which she referred and of which she has promised us further details in due course—perhaps she can give us a little trailer this morning—will be completely valueless.

I shall conclude, but perhaps the hon. Lady will clearly say whether she denies that the circulation of narcotics in some prisons is tolerated by the staff—I suppose that she has to say that. Will she proceed from that to say that that does not happen and, if so, what she is going to do about it? Does she accept my argument that, if she is serious about the problem, she can tackle it by dealing with one prison at a time, making all the appropriate provisions for disturbance that may follow a genuine attempt to root drugs out of Her Majesty's prisons?

10.38 am

Mr. James Clappison (Hertsmere): This has been an interesting debate, and I congratulate my hon. Friend the Member for Worthing, West (Mr. Bottomley) on securing one on such an important subject. I agree with him on many points, in particular his valuable remarks about addressing young people through the medium of youth culture, which is realistic and important. I also agree with his generous tribute to our right hon. Friend Lord Newton, whom we knew better as Tony Newton, the former Lord President of the Council, who played such a leading role in producing the strategy "Tackling Drugs Together". He worked hard to that end.

This subject is so important for so many of our constituents, and I wonder whether the House spends long enough debating it. I do not want to make too partisan a point, but it was noticeable that, on this immensely important and complex subject, out of all the hundreds of Labour Members, only one actively participated, making a passionate speech in favour of the legalisation of cannabis.

The hon. Member for Newport, West (Mr. Flynn) honourably holds the views that he expresses on this subject, and he is something of an expert. It seemed that his speech had been fermenting for some while, and it took him more than a little while to make it. The hon.

Gentleman began with a passionate plea on behalf of cannabis. He went through a list of statistics and arguments and then talked about the legalisation and harm reduction of other drugs. The hon. Gentleman spoke especially about Ecstasy. In itself, his speech was a worrying sign of how easy it is to open the door for one drug, only to find that we are opening the doors for other drugs. That is how the hon. Gentleman's speech left me.

With all respect, I profoundly disagree with the hon. Member for Newport, West. His arguments do not set out any way of tackling the problems of hard and soft drugs. In legalising soft drugs, we would be taking a step backwards, whereas we must take two steps forward to tackle the problem of hard drugs.

The hon. Member for Colchester (Mr. Russell) began by seeking to defend the Liberal Democrat policy, as though that was the most important issue regarding drugs. I do not want to be unfair to the hon. Gentleman, because he is no longer in his place, but it is my distinct recollection that those who attended the Liberal Democrat conference voted in favour of the legalisation of cannabis. That was followed shortly afterwards by a vote in favour of establishing a royal commission on the same subject. That happened after the leader of the Liberal Democrats had become a little agitated. As I said, I do not want to be unfair to the hon. Member for Colchester, because he is no longer in his place. It is right that he made common ground with the rest of us in wanting to fight drugs. It was clear that he realised the importance of this subject.

Indeed, it is an immensely important subject. There can be few of us in this place who do not have, for example, head teachers in our constituencies who are worried about the problem of drugs, or the potential problem, in their schools. There can be few families where parents do not have somewhere in their minds a lurking fear that, one day, their children will come into contact with illegal, controlled drugs. They will be worried about the effects that may flow from that. Sad to say, this is an immensely important subject for millions of families and for communities and schools throughout the country. The Minister must grasp how high are the public's expectations for action to be taken. They want the Government to give a clear lead. They want them to realise the importance of the issue.

Two weeks ago, we had the presentation of the drugs tsar's strategy. The appointment of a drugs tsar was one of the Government's principal initiatives in this context. We welcome any beneficial influence that can be brought to bear on such a complex problem. At the same time, we recognise that in the Government's criteria the position of the drugs tsar is advisory and presentational. The drugs tsar is not responsible for Executive action. We look to Ministers and to the Government generally for a clear lead, commitment and action. Action must be taken by Ministers, who have Executive responsibility, to give the subject of drugs the importance that it deserves.

We think that prevention and treatment are important and that emphasis must be placed on both approaches. With that in mind, we were slightly surprised by the Department of Health's recent consultation paper "Our Healthier Nation". As the Minister may know, it contains barely a mention of the problem of drugs. We think that drugs constitute an important issue in health terms. The mention made of the problem in the consultation paper was to the effect that the Government had a drugs tsar, who was proposing a strategy. For its part, the strategy of the drugs tsar referred to "Our Healthier Nation" and the efforts of the Department of Health. We look to the Department to give this subject the priority that it deserves.

I do not know whether the Minister can assist us, but we would be interested to know whether waiting lists for drug treatment, for example, are monitored. Any information on that would be welcome. We would be interested to know especially whether waiting lists for drug treatment are increasing, as they seem to be in other areas, or diminishing.

The Government have set great store on the introduction of drug treatment and testing orders. We welcome the orders, but we recognise that, however they may be presented by the Government, they represent only an incremental and possibly even a marginal change to what already exists in the form of probation orders with a condition for treatment. We are surprised that this important new policy, which has been put forward by the Government as one of their principal approaches to tackling the drugs problem, will not be implemented generally for nearly another two years. In the meantime, there will be only a few hundred drug treatment and testing orders in pilot areas. It is something that we shall watch carefully.

We shall watch carefully also how much is made available by the Government in the way of new resources to assist in the treatment of drug problems. The Government set great store by the £5 million that they estimated will be available from the seizure of drug barons' assets to fund health care in this area. Again, we welcome the provision of £5 million, but we would like to know a little about how certain the Government can be that this provision will be made every year.

Can it be guaranteed that £5 million will be available every year? Given the importance of drug treatment and providing resources to treat people, especially young people, so as to get them off drugs and out of a drugs way of life, £5 million is a small sum. We are looking to the Government for a much clearer lead and a greater commitment to providing resources to show that the Government are prepared to take clear action.

We have heard something about the link between drugs and crime and the increased use of heroin. We think that there is some evidence, as does the Government's drugs tsar, of an increase in the use of heroin. I was struck by figures that the Government made available in a written answer to me. It appears from a Government strategy that 60 per cent. of all those arrested for offences—any offences—had been misusing drugs. Nearly 20 per cent. of them had been misusing heroin. Those are worrying statistics. We know that they are borne out by the experience of the police and of those who work in the Prison Service. We invite the Government to accept that drug abuse among young people is a significant factor in crime, especially in drug-addicted crime, where addicts steal to fuel their addiction. My hon. Friends have rightly referred to that.

Against the background of the link between drugs and crime, and given what we know about drugs and prison, we were surprised by what the Government announced yesterday about mandatory drug testing in prisons. We know that it is difficult to deal with drugs in prisons. However, the Minister admitted yesterday that mandatory drugs testing was showing success and reducing the

[Mr. James Clappison]

number of prisoners testing positive. Given that one policy is showing signs of success in a difficult area, we find it extremely strange that the Government would want to relax that policy in any way. That seems to defy common sense and logic.

Our worries were increased by the warm response from the hon. Member for Newport, West to the Government's relaxation of mandatory drugs testing. The hon. Gentleman is passionately in favour of the legalisation of cannabis, and he interpreted the Government's move as one in that direction. The hon. Gentleman is not alone. It appears that others have taken the same cue from the Government. We think that the Government were sending out a confused and mixed message. The Minister shakes her head, but that is the message that has gone out. We look to the Government to send out a clear message that all drug taking is wrong and that the Government will take a clear lead in the fight against drugs. Testing in prisons was valuable in respect of all drugs. It was detecting all drugs, including heroin, and not only cannabis. We are concerned that the testing has been relaxed.

As I said, we look to the Government for a clear lead and for commitment. We shall give constructive support to the Government. We know that there has been cross-party support in the past. At the same time, we are looking for clear action and a demonstration of commitment. Let us have an approach that goes beyond presentation and has a direct effect on the problem, which matches the huge concerns throughout the country. There are high expectations among millions of parents. That concern is shared by teachers and communities. There is a wish for the Government to give a clear lead in this difficult area and to show their commitment to tackling drugs. We expect nothing less.

10.49 am

The Minister of State, Home Office (Ms Joyce Quin): I congratulate the hon. Member for Worthing, West (Mr. Bottomley) on choosing this subject for debate and on the characteristically thoughtful way in which he introduced it. It is good to see the hon. Member for Congleton (Mrs. Winterton) on the Front Bench. I congratulate her warmly on her appointment. We welcomed her contribution and reaction to the statement made by my right hon. Friend the President of the Council and Leader of the House of Commons on the Government's drugs strategy.

There have been several contributions to the debate; obviously, they have been made by hon. Members who feel strongly about the issues, and they have raised some important points. I welcome the thrust of the contribution by the hon. Member for Hertsmere (Mr. Clappison). There were many points made during the debate with which I agree and some from Opposition Members and my hon. Friends with which I do not agree. I shall refer to those comments, particularly to some of the questions directed to me by the right hon. Member for Kensington and Chelsea (Mr. Clark).

The misuse of drugs, as hon. Members have recognised, raises a range of complicated and interlocking issues. In the short time available to me, I shall concentrate mainly on the threat posed to young people by drug misuse and on the crime generated by an addict's need to buy drugs. Both those themes came out strongly during the debate.

The hon. Member for Worthing, West talked about the need to look at changing attitudes and changing culture, and made some interesting points. He looked also at the effects of drug-related crime, the havoc that it can cause in some neighbourhoods and the individual heartbreak that it can cause to victims of such crimes.

Information on the level of drug misuse is hard to obtain, and I do not believe that any simple statement about whether the problem is getting better or worse is likely to do justice to the complex reality. However, clearer information is emerging from research both on the levels of drug misuse in the general population and on the extent and nature of drug-related crime. I believe that that improving research can help us draw up effective policies in response.

We are looking at a serious problem. On some measures it is stabilising and on others the trend remains alarming. For that reason, there can be no room for complacency, and there should not be any facile assumption that we are losing the war against drugs or that the cause is lost. I do not believe that; nor do the Government.

We know that young people are increasingly exposed to illegal drugs, as well as to alcohol and tobacco at even earlier ages. Some young people may be at particular risk because of other problems, perhaps to do with their family, housing, education or employment prospects. The activities of the Home Office drugs prevention initiative have included important work with young people. From that, we are finding that young people are concerned about drug-related risks and worried about the dangers. I believe that people, including young people, want reliable information about drugs. It is possible to reach those particularly at risk through existing services, but we need to stop as many youngsters as possible from experimenting with drugs. I believe that drug education can play an important role in that.

Recently, the Home Office drugs prevention initiative published an evaluation of one life skills drugs education programme. The objectives of the programme were to equip youngsters with the social competence necessary to cope with the pressure to begin using drugs, to enhance their self-awareness and self-esteem and increase their knowledge of the harmful consequences of substance misuse. The children from the programme were followed up four years after their initial involvement. The programme was piloted in three primary schools in Hackney in 1991-92 and the children were aged 13 to 14 when they were followed up in 1996.

The findings showed that those young people had a more negative attitude toward drugs than their contemporaries. They demonstrated a greater ability to resist peer pressure, which is an important part of the process, and were less likely than their contemporaries to have used legal or illegal drugs. Those encouraging findings provide important evidence on what works. They help to support the arguments that have been made for investing in drugs education and prevention for young people, which is part of our new drugs strategy.

Mr. Flynn: I believe that my hon. Friend is referring to Operation Charlie. May we consider bigger anti-drug propaganda and educational activities such as those which

have been run for many years against the use of cigarettes? Does my hon. Friend judge those to have been successful with young people?

Ms Quin: Obviously, there have been mixed results. It is possible to change attitudes and culture, and the evidence quoted this morning on drink driving was an interesting example. We need to learn lessons from such experience, to find the most effective way to deal with the problem. It is obviously important to look at ways of imparting information and connecting with young people in a relevant way. The hon. Member for Worthing, West referred to some of those approaches.

I shall look now at the link between drugs and crime. Until fairly recently, our perception of the extent and nature of drug-related crime was ill defined. Various estimates of the extent of such crime had been made, but Home Office research published last month is helping to clarify the picture.

That research involved interviewing and urine testing a range of people held in police custody in five locations—Sunderland, Nottingham, Cambridge, Hammersmith in London and Trafford in Manchester. It showed that the level of drug misuse among offenders was remarkably high compared with the general population. More than 61 per cent. of arrestees proved to have one or more prohibited drugs in their urine and 27 per cent. tested positive for two or more prohibited drugs. As a result of that research, we believe that referral systems at court level, as well as early intervention, will be particularly important in trying to get people off drugs at that stage.

I was interested to visit the "Get It While You Can" project in Brighton which involves going to see people who are being held in police custody and encouraging them to be referred to treatment services at that early stage. I believe that that early referral is extremely important in helping to tackle drug misuse and drug-related crime, which is so clearly revealed by the statistics.

The hon. Member for Hertsmere said that drug treatment and testing orders were an important part of the Government's proposals. That is true and we want to build on it. We will pilot that programme to see what lessons we can learn in the early months. I can tell the hon. Gentleman clearly that we are determined to take that programme forward. We believe that it will be an important part of our strategy.

I shall now say something about drugs in prison, about which I know that there is great interest. Unfortunately, I have only a couple of minutes left.

I do not accept many of the comments made by the right hon. Member for Kensington and Chelsea, and I urge him to visit some prison establishments and to talk to prison staff and prison governors. The Prison Service is a disciplined service. It is given a framework in which it has to operate by the Government and the Director General of the Prison Service. That framework is built on a clear anti-drugs strategy, which was introduced by the Conservative party when in government. As the hon. Member for Hertsmere pointed out, that has had some success.

This is a considerable problem, so I shall certainly not gloss over it and say that there are no drugs in prisons or take a view that is artificially opposed to that expressed by the right hon. Member for Kensington and Chelsea. However, I am absolutely certain that the right hon. Gentleman's extravagant comments are simply not borne out by the facts.

Mr. Alan Clark: It is the director general.

Ms Quin: It is not the director general. The right hon. Gentleman does not seem to understand the difference between the Director General of the Prison Service and the chief inspector of prisons. Although the chief inspector of prisons has rightly drawn attention to problems in some prison establishments, he has not expressed himself in the way that the right hon. Gentleman did at Home Office Question Time on Monday, when he completely overstated the problem and tried to convince us that drugs were somehow encouraged in prisons. That is simply not the case. The results of mandatory drugs testing, as well as a panoply of measures on security, searches, testing and penalties, which we have added—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. We must now move on to the debate on plutonium disposition policy.

Plutonium

11 am

Mr. David Chaytor (Bury, North): I am grateful for the opportunity to open this debate on plutonium disposition and the growing problem of Britain's, and the world's, plutonium stockpiles.

The timing of the debate is particularly interesting in view of recent events at Dounreay and the treatment of uranium from Georgia and events in India during the past few days. The Indian Government have conducted surprising nuclear tests that raise questions about the future of the comprehensive test ban treaty and the possibility of completing the nuclear proliferation treaty.

The question of plutonium disposition is critical for the British economy, the environment and for the health and safety of everyone in the UK, not just those who live close to nuclear power stations. It is also critical for the Government's ability to work across Departments. I am pleased to see that my hon. Friend the Minister for Science, Energy and Industry is here to respond to the debate, but responsibility for this matter does not lie solely with the Department of Trade and Industry—it is a matter for several Government Departments, and I look to the Government to act corporately on it.

The issue also concerns the credibility of the Government's standing in the international community in terms of our ability to show leadership on difficult issues and to negotiate with Governments with different perspectives on matters that can ultimately be resolved only at an international level.

During the past nine months, there has been unprecedented interest in the future of nuclear policy in Britain. At the end of last year, two major reports were published on mixed oxide fuel: the first by the Organisation for Economic Co-operation and Development, the second by the alternative group of scientists who published the international MOX assessment report. Earlier this year, we had an annual report on sustainable development from the Government's panel, which drew attention to the pressing need for the Government to take a lead on the growing problem of radioactive waste. A report on the management of separated plutonium was then published by the Royal Society, which makes an important recommendation to which I shall return later.

Several Government Departments have decisions pending. In the DTI there is a review of energy policy generally; the Department of the Environment, Transport and the Regions is considering Sellafield discharge authorisations and the application to start commercial production at the Sellafield MOX plant; in the Foreign Office, negotiations are continuing on nuclear proliferation. The significance of those negotiations has been heightened by the events in India earlier this week.

This debate is not primarily about Dounreay and Georgian uranium, although I am sure hon. Members will wish to comment on that and on reprocessing at Dounreay in view of yesterday's decision on safety matters there. Nor is it primarily about what we should do as a result of the Indian nuclear tests, although yesterday's decision now opens the possibility of a further increase in the nuclear arms race in that part of the world. That relates directly to the global problem of stockpiles of plutonium.

Nor do I regard this debate as simply an opportunity to bash the nuclear industry, although there are grounds for criticising it over many years, not only because it has given misleading information about the cost of nuclear energy—ironically, that information was finally corrected by the accountants charged with preparing the electricity industry for privatisation—but because it has given misleading information about its links with the military. Indeed, it denied that there was any connection between civil production and military use of plutonium. Many attempts have been made to conceal serious safety incidents, ranging from the Windscale fire of 1956 to the problem with the Dounreay shaft, which was exposed recently.

The British nuclear industry has a phenomenal record of technological innovation. It has a high level of technical skill and is a world leader in nuclear technology. Moreover, it has the capacity to solve for this country and others the legacy of 40 years of mistakes in the nuclear industry and to provide the dream of safe nuclear power at some stage in the future—possibly.

This debate is really about how the Government should respond to the legacy of mistakes and learn the lessons of misguided policies, not only by the previous Government but by Governments before them. It is about taking an objective look at the options for dealing with the growing stockpiles. I was much encouraged, at a recent meeting organised by the GLOBE parliamentary group in the House, when the spokesman for the British Nuclear Industry Forum said that the reprocessing route, which has been the favoured route to date, was questionable. He said:

"The jury is still out on reprocessing."

It was refreshing to hear such honesty from the industry and to see that it is now questioning and criticising the reprocessing route.

I shall give the facts about the scale of the problem of plutonium stockpiles. The global stockpile now amounts to some 1,240 tonnes—of one of the most dangerous substances on earth. It is predicted almost to double by 2010. The stockpile of global spent reactor fuel is now about 800 tonnes. That, too, is predicted almost to double by 2010. The United Kingdom stockpile of separated plutonium as a result of reprocessing is now 50 tonnes and is predicted almost to double by 2010, by which time Britain's share of the global stockpile of separated plutonium will be about two thirds. This is clearly an international problem of growing significance, but the stockpiles of separated plutonium are a particularly British problem.

Radiotoxicity is one aspect of the problem. Although it is now generally accepted that safety standards and modern techniques in nuclear installations provide far better safeguards for people working in them than was the case some years ago, that must be qualified by the continuing reports of incidents and the record, over a number of years, of accidents of some kind. However, discharges into the environment give continuing cause for concern. The radioactive content of liquid discharges is up to 1,000 times stronger than the content of discharges into the air; hence many people's strong opposition to the policy of discharges into the Irish sea and the recent call by environmental groups for a complete ban on such discharging. Everybody knows about the Sellafield radioactive pigeons, but radioactive shellfish probably give more serious cause for concern.

The second aspect of the problem is proliferation. Our minds have been focused by the events in India and, dare I say, the possible response by the Pakistan Government in the next few days. After many years of denials in this country that reactor grade plutonium could be used to manufacture nuclear weapons, several leading scientists have recently confirmed that it is possible to construct a crude nuclear device from separated plutonium. The current stockpile in the United Kingdom could be used to create several hundred such devices. It takes little imagination to understand the attractiveness of that option to terrorists, mercenaries and rogue regimes, especially in view of the political instability that prevails in many parts of the world.

The current solution to the problem is to accept the nuclear industry's argument that stockpiles will be dealt with by reprocessing. For more than 30 years, successive Governments have committed the British taxpayer to ever-increasing subsidy—explicit and concealed—to finance the great reprocessing experiment in the search for the virtuous circle of infinitely recyclable fuel.

The project was based on several assumptions: first, that the cold war would create endless demand for plutonium for nuclear weapons; secondly, that the availability of uranium would be severely restricted and its price therefore huge; thirdly, that fast-breeder reactors would be developed, endlessly to consume plutonium stockpiles; fourthly, that nuclear energy would eventually become dominant, if not supreme, in the national energy programme on the grounds of its cost and the availability of fuel supply; and, fifthly, that a solution would be found to the problem of storage of intermediate and high-level wastes. The preferred solution was a deep nuclear waste depository.

During the past 30 years, each assumption has been discredited and made obsolete by events. The cold war has ended and the United States of America and the former Soviet Union are reducing their stockpiles of nuclear weapons. Yesterday, President Clinton was one of the first to condemn India for reversing the move to disarmament internationally. New sources of uranium have been discovered and there are plentiful supplies at comparatively low cost. The United Kingdom withdrew support for our fast-breeder reactor programme some years ago and shortly after its general election last year, France announced the end of the Superphénix fast-breeder reactor.

Although nuclear power generates about a third of British electricity, it faces an uncertain future. At the beginning of their regime, the Thatcher Government promised a new nuclear power station every year. That programme was quickly abandoned. It is difficult to envisage a private investor proposing to build a nuclear power station, largely because of greater awareness of the effects and costs of decommissioning.

The final nail in the coffin was the refusal shortly before the general election last year by the right hon. Member for Suffolk, Coastal (Mr. Gummer), the former Secretary of State for the Environment, of Nirex's application for a deep depository at Sellafield. The implications are interesting, because it will be extremely difficult, if not impossible, for British Nuclear Fuels to pursue the practice of substitution, whereby it returns a radiologically equivalent amount of high-level waste to the foreign generator, thus reducing the cost of reprocessing by saving the transport cost of returning the much bulkier intermediate or low-level waste. The fact that the cost of transporting intermediate-level waste is about 80 per cent. of the cost of sending the spent fuel to the United Kingdom has major implications for the cost of reprocessing.

The tragedy is that all that was widely understood before the previous Government approved the construction of the thermal oxide reprocessing plant at Sellafield, which firmly committed the United Kingdom to at least a decade of reprocessing, and continued the great British tradition of pursuing grand projects long after the original purpose has been left behind by events. Hon. Members may have favourite examples of such projects.

It is important to mention the role of mixed oxide fuel in the reprocessing industry and, in particular, BNFL's intention to establish a commercial production facility for MOX at Sellafield and develop what would essentially be an international trade in plutonium. Hon. Members should consider the impact of an international free market in plutonium following the events in India earlier this week. Do we really think that the way forward to global security is to allow India, Pakistan, North Korea, Iran, Iraq and Israel to benefit from a free market in plutonium? I think not.

For the nuclear reprocessing industry, MOX is the final link in the chain, because it creates a new fuel from separated plutonium and uranium that can be used in certain reactors. Significantly, MOX will not be used in British nuclear reactors. A spokesman for British Energy said recently:

"It would be thoroughly uneconomic for us to convert our AGR"—

advanced gas-cooled reactor—

"to use the new MOX fuel. It is not just a case of cost either. It would require a lot of extra shielding and protection for our workers. It would be difficult, if not impossible, for us to use MOX fuel."

Consequently, BNFL considers the future of MOX to be in international contracts. If the MOX plant is approved, there will be a dramatic escalation of the quantity of spent nuclear fuel being flown and transported by train from all parts of the globe for reprocessing and remanufacture into MOX at Sellafield. We need only consider the intense opposition in recent years, especially in Germany, to appreciate how public opinion might be affected by an escalation in Britain's role in taking in the world's radioactive waste.

Apart from the dubious economics of such an international trade in plutonium, the increased potential for nuclear accidents caused by spent fuel making more journeys over greater distances and the threat of nuclear terrorism, there is the question of the impact of MOX on the plutonium stockpile and the stockpile of other intermediate and high-level nuclear wastes. Although the manufacture of MOX consumes some of the stockpile, it creates more plutonium for recycling and even more waste, which we do not have the faintest idea how to deal with. Significantly, the December 1997 OECD report on MOX did not refer to the problem of intermediate and high-level waste created by MOX production.

There is an alternative. For a number of years, the consensus among those who are primarily concerned about protecting the environment against radioactive discharges and nuclear accidents and about reducing the risk of nuclear terrorism and proliferation has been to

[Mr. David Chaytor]

abandon reprocessing and to adopt a policy of dry storage. Dry storage of spent fuel can be either by vitrification in glass blocks or by ceramic immobilisation. Either way, the material can be stored indefinitely, in a geological depository, or temporarily, until technology develops to perfect other safe and environmentally harmless ways of disposing of spent fuel.

It is conceivable that the fast breeder dream will one day be realised. Only Japan is continuing research on a fast breeder, but we must accept that its attempts may be successful. Reactors may be developed that do not use plutonium. The dry storage option would buy time for future research to prove itself. No one pretends that that option is cheap or simple, but it is generally accepted that it is cheaper and safer than reprocessing and avoids the risks of transporting material over long distances and of proliferation and theft.

We are left with a legacy to manage for hundreds, if not thousands, of years. The Royal Society report on the management of separated plutonium states:

"The surest anti-proliferation measure is to stop reprocessing spent fuel and to reduce the quantity of separated plutonium in store."

Current Government policy is to delegate responsibility for the decision about plutonium stockpiles to the commercial judgment of the owners of the spent fuel. In view of the changing circumstances in recent years, that is no longer a sensible policy. I do not believe that the enormous implications for everyone of the growing plutonium stockpiles can be left solely in the hands of the operators. Plutonium is no respecter of international borders. The size and scale of the problem, its international dimension, the potential impact on the environment and on people's health and safety and the impact across the globe if we get it wrong combine to argue powerfully that the matter is for the Government as a whole, and that all Governments must take responsibility.

I therefore propose five steps towards a new approach to the problem of plutonium stockpiles. I accept that few of these fall within the remit of my hon. Friend the Minister for Science, Energy and Industry, which highlights the fact that the issue crosses the whole of the Government, but I should be grateful if he could comment generally on them in his response.

First, it is important that the Environment Agency completes the review, for which the previous Government asked, into the operation of Sellafield and THORP before continuing work on making recommendations on the application for commercial production of MOX at Sellafield. Secondly, although the Environment Agency has responsibility for considering the MOX application and making a recommendation, that must ultimately be a political decision, so I hope that the matter will be called in by my right hon. Friend the Secretary of State for the Environment, Transport and the Regions.

Thirdly, I endorse the Royal Society's call for a national inquiry into plutonium disposition. Its report of January this year states:

"The society urges the Government to commission a comprehensive review by independent experts of the options outlined above, covering technical, economic, environmental and security aspects, energy policy issues and taking account of public acceptability and of the opportunity costs of each option."

I hope that the Government will respond positively to that recommendation.

Fourthly, to illustrate that this is not a matter only for the United Kingdom or any individual state, the Government have an opportunity to take an international lead, as we did in the negotiations on climate change in Kyoto, by convening an international conference to agree an international strategy for dealing with plutonium stockpiles. That conference should include such issues as establishing an international register of fissile material, the potential for placing all nuclear establishments under an agreed international safeguard regime and a review of the potential conflict of interest between some of the functions of the International Atomic Energy Agency.

Finally, the Government must do everything possible to press ahead with international negotiations on the nuclear non-proliferation treaty and to push for an international fissile cut-off treaty, which has already been agreed in principle by Governments.

I want my Government to demonstrate that they can respond, across Departments and reconciling their different perspectives, to the changed circumstances of the post cold war period and to the new environmental agenda. Our commitment to putting the environment at the heart of government is central to our future policy on reprocessing and plutonium stockpiles. It would be an enormous disappointment to many millions of people if the new Labour Government simply continued with the old nuclear policies.

11.22 am

Sir Robert Smith (West Aberdeenshire and Kincardine): I congratulate the hon. Member for Bury, North (Mr. Chaytor) on securing the debate and on his excellent outline of the issues that should be addressed both in our debate and by the Minister in his reply. I recognise that the Minister will have to speak with many tongues for the many Departments involved in the debate.

We heard news this week of the Foreign Office view on this country's role in damping down a resurgence of interest in nuclear weaponry. Regrettably, we have reached a point in history where, although the cold war as a driving force behind proliferation is ending and states are reaching a point where they can negotiate on weapons reduction and non-proliferation, the nuclear problem is bubbling up in another area and as a result of other motivations. It would be sad if, while our Foreign Office is trying to play that damping role, in another guise we were providing the materials—raw materials that can be processed, or at least the precursors—and the wherewithal to enable countries to expand their weaponry. A reassurance from the Minister that the Foreign Office is in the picture and part of the loop would be welcome.

In debates such as this, it is difficult to avoid topicality, but the public will be concerned that a JCB can bring a nuclear reprocessing plant to a halt. That is clearly not the modern level of operating safety that people want. Explanations will come in the fulness of time, but such stories do not help to instil confidence that we have adopted the right long-term strategy or to reassure us that the matter is under control.

The role of the Department of the Environment, Transport and the Regions is important. I listened to the five steps outlined by the hon. Member for Bury, North, who spoke of the need to bring a political decision to bear

on the MOX issue. With my knowledge of planning and environmental law, I do not know whether the fact of the decision being called in by the Secretary of State makes it a purely political decision, because Ministers are constrained by judicial review in the courts. It may be that, if there is to be a political element, Parliament will have to be involved and review the legal framework surrounding the decision and the way in which it can be taken.

Mr. Tam Dalyell (Linlithgow): The hon. Gentleman stated that Dounreay was brought to a halt, but that is not quite the situation, is it?

Sir Robert Smith: I think I said that the reprocessing part of Dounreay was halted, and that was the situation. The hon. Gentleman is right: when we analyse the details and the science we may find that the incident was not as dramatic as the headlines suggested, but the reality is that such events generate public concern. When dealing with complex nuclear material in an environment where there is at least the potential for something to go seriously wrong, one would expect higher levels of safety management to ensure that we do not get that close to having to shut down parts of the operation.

There is major environmental concern about where we go in the long term. The dry storage and continued research option has the greatest potential to produce, in the long term, a solution that protects the next generation, so it is worrying that further reprocessing contracts might be issued. We do not seem to understand that, although in its time there may have been a logic to reprocessing—some say that even in its time it was not logical—movements in the price of materials and developments in the nuclear industry tend to suggest that the time for that process has passed. It is time for a review, and time for the Government to make clear what role they envisage for the reprocessing industry.

Taking an international lead is important. If we show that we can take a decision on this matter, we as a country can play a major role in international negotiations on the future uses of plutonium. It is not clear that having a new Government has brought about any great change in strategy, so it might be interesting were the Government to step back and ask whether they should review the whole subject, bring together all the Departments and consider carefully whether we are trapped in inertia. Are we still in charge? Are we taking a lead? Are we driving the agenda in the direction we want to go? What future role do we envisage for plutonium?

It would be interesting if the Minister could outline his understanding of the current disposition of plutonium. How much is in military hardware? How much is sitting awaiting reprocessing? How much has been set aside for medical uses, such as pacemaker batteries? What percentage of plutonium use do other uses represent? It seems that the biggest use is for fuel and recycling. We do not want to be sidetracked into how we could power pacemakers on the back of the nuclear industry; that is a useful by-product, but it should not be the driving force.

We want to feel that the Government want to take charge of the situation, will not allow it to drift, and will not allow policy momentum to mean that we miss an opportunity. Above all, we do not want this country to play a part, by default, in encouraging nuclear proliferation and undermining the hard work that has gone into driving away the threat posed by nuclear weapons.

11.29 am

Mrs. Ann Cryer (Keighley): I congratulate my hon. Friend the Member for Bury, North (Mr. Chaytor) on his perception and foresight in raising an important issue. I also thank him for his information-packed speech: I, for one, have learnt a great deal.

When my hon. Friend applied for the debate, he could not have known how relevant it would be, following events in India earlier this week. I have received a telephone message saying that India has, unfortunately, exploded two further nuclear devices, presumably overnight. The testing of nuclear devices in India is a perfect example, were one needed, of the horrors that can ensue when there are inadequate controls on nuclear materials—such as plutonium—and their associated technologies. The House should note that the principal supplier of the material and technology that underpin the Indian nuclear programme was another Commonwealth country—Canada. There was also ample help from other countries, such as the United States, which supplied the uranium.

These are extremely good arguments in favour of an international, universally applied and agreed fissile material control and disposition policy. They demonstrate the need to move away from the current fragmented approach, involving three separate Government Departments, towards a single, over-arching British fissile material control and disposition policy. I hope that my hon. Friend the Minister will agree, will take seriously the views that hon. Members express today, and will work towards implementing such a policy.

I shall write to Pakistan's ambassador to urge restraint. If Pakistan follows its neighbour's extremely unfortunate example, the entire population of the sub-continent will be the losers. The question of Kashmir will remain unresolved, along with various other disagreements between India and Pakistan. These two countries are among the poorest in the world. Their people need basic education and health care, adequate shelter, pure water supplies and a decent diet; they do not need the means to kill each other on a massive scale. I trust that these sentiments will be supported by my Pakistani-Kashmiri constituents, and that those constituents will press their Government to stay out of the nonsensical arms race.

It would be helpful if our Government adopted a do-as-we-do approach to the international nuclear weapons non-proliferation treaty, instead of their present do-as-we-say policy. Perhaps our representations to India would then carry much more weight.

11.32 am

Ms Roseanna Cunningham (Perth): I congratulate the hon. Member for Bury, North (Mr. Chaytor) on obtaining an extremely important debate, even if he did beat me in the great Adjournment debate lottery.

As may be expected, I shall refer to events at Dounreay over the past few weeks. First, however, let me quote from the Government's policy on nuclear reprocessing, which, as far as I can see, may have been cobbled together without debate late last year. Hidden away on the

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Department of Trade and Industry internet site, under the heading "UK Civil Nuclear Policy including Plutonium", it states:

"The UK Government believes that the question of whether to reprocess (and if so when) or to seek alternative spent fuel management options should be a matter for the commercial judgement of the owners of the spent fuel, subject to meeting the necessary regulatory requirements."

The Minister for Science, Energy and Industry (Mr. John Battle): The hon. Lady will, I think, accept that that information was placed in the Library, and not, as she said, hidden away on the internet—which is in the public domain in any case. I hardly think that she can claim secrecy.

Ms Cunningham: I am glad to hear that. We obtained it from the internet; perhaps we are more wised up than others on new information technology.

Mr. Chaytor: Let me support the Minister by saying that the statement that has been quoted was contained in an answer to a parliamentary question towards the end of January. There was no concealment.

Ms Cunningham: Indeed.

Perhaps we can move on to focus on the words of my quotation. As I was about to say before people began to leap to their feet, the policy has been reiterated in a number of recent written answers. We appear to have a laissez-faire policy for what is possibly the most dangerous of global industries. That is a frightening thought, particularly when we think of the extraordinary catalogue of incompetence and cover-up at Dounreay, which is one of the owners of spent fuel referred to in the Government's policy statements.

Spent fuel management is left to companies' commercial judgment, not their environmental judgment, or a judgment based on thoughts of international security. The economic viability of the nuclear industry would fill an entire debate, but after the Government's high rhetoric over the past few weeks about doing our bit for the world's problems, their policy shows little interest in doing anything to diminish the problem of nuclear proliferation.

The United States Government, who conducted a thorough and open debate into plutonium disposition for several years before they took substantial steps to address the issue, regard Dounreay as a proliferation threat. They refuse to allow their spent fuel to be processed there, saying that

"it would not be possible to ensure compliance with the United States' nuclear weapons non-proliferation policy objectives."

My source for that is the United States Department of Energy's Safe Energy Journal No. 108, January to March 1996. Meanwhile, an unidentified spokesman from Dounreay was quoted, in *The Scotsman* on 23 April, as saying:

"If our customers want bomb-grade material, they can have it."

That is not terribly reassuring. Nor is it terribly surprising, when the Government are asking only for the nuclear industry to apply its commercial judgment.

It is slightly comforting to know that no plants at Dounreay are currently operational. It was announced yesterday that, in the light of events last Thursday, which led to both a loss of power and the failure of the back-up electricity supply, the nuclear installation inspectorate has directed the United Kingdom Atomic Energy Authority to ensure that all processing activities in the fuel cycle area remain shut down until a safety case can be made that gains the consent of the Health and Safety Executive.

The whole issue is generating enormous debate in Scotland. Today, there is an entire page of analysis in *The Scotsman*, which is, in part, indicative of the tone of the response that is emerging. Let me quote two sections from Christopher Cairns's commentary. The first states:

"A nuclear power plant's failsafe systems are the last line of defence against cataclysmic disaster on the Chernobyl scale for use in only the most extreme of emergencies. Is it at all comforting that, as far as Dounreay is concerned, that includes the laying of a telephone line?"

He says, secondly:

"This, remember, is the safe haven for the uranium which came out of Georgia last month. Of course, a war-torn corner of the former Soviet Union is not the place to keep bomb grade material. But a reprocessing and storage facility which is incapable of even guaranteeing its own power supply must surely run a pretty close second."

That is the tenor of coverage in Scotland of what is happening at Dounreay, and the Government ignore it at their peril.

I want assurances from the Minister that the safety case will involve more than just electronics. The whole condition of the fuel cycle area must be looked at to avoid any more unforeseen accidents.

In its latest quarterly report, the nuclear installations inspectorate referred to an unpublished report of its own identifying the deficiencies in the fuel cycle area. The NII is willing to release the document, but until now UKAEA has blocked its release. In the light of recent events, I would ask the Minister to have that report placed in the House Library, as it is clearly a matter for public concern. I believe that the NII has never served such a wholesale direction on any installation since its inception, which serves to highlight the seriousness of the situation at Dounreay.

It is also worth noting that the D1203 plant, destined to process parts of the Georgia waste into targets for medical isotopes, and the only plant still operational at this time last week, is now closed until further notice. The remaining plants are old and falling to bits. UKAEA has put in an application for funding from the DTI to upgrade plant D1206, a reprocessing plant that would churn out even more plutonium. When can we expect a statement from the DTI about that? What criteria will be used to arrive at a decision on D1206?

To assist the Minister with his decision, I should like to give him a resumé of some of Dounreay's recent achievements. In 1977, a waste shaft filled with an explosive mixture of waste and chemicals exploded, spraying radioactive material into the surrounding environment. In January this year, UKAEA's chief constable, Tony Pointer, resigned, apparently over security inadequacies at the plant. In March, a mock evacuation was so unsatisfactory that the NII demanded a re-run. Last week, the Scottish Environment Protection Agency served a notice on UKAEA for grossly underestimating its radioactive discharges. A worker was

found last week to have been subjected to more than the annual allowable dosage of plutonium radiation. Then there was last Thursday night's complete failure, which could have had disastrous consequences had any of the reprocessing plants still been in an operational state.

There should be a full inquiry into all aspects of management and operations at Dounreay, not more funding for plant D1206. I believe that the findings would show that all its plants should be retired before there is any more opportunity for error. Our continued opposition to the operations at Dounreay is founded not only on the evidence of its incompetence and state of disrepair but on the fact that it exists to reprocess spent fuel—

Mr. Dalyell: If all this represents the whole story, why has Dounreay been awarded its fifth ROSPA gold medal for safety?

Ms Cunningham: That is an extremely good question to which I do not know the answer. On the face of it, Dounreay should not have been given any commendation; the vast majority of the public in Scotland would be astonished to discover that it had been commended.

The Scottish National party does not believe that nuclear waste should be reprocessed. Reprocessing increases stockpiles of plutonium and highly enriched uranium, and spreads them around the world, where they are increasingly vulnerable to theft and misuse. The hon. Member for West Aberdeenshire and Kincardine (Sir R. Smith) spoke of the dangers of Departments promoting policies at variance with each other. He might be interested to know that Dounreay has in the past exported highly enriched uranium to India—no doubt one of the UK's contributions to non-proliferation.

Contrary to what the hon. Member for Cunninghame, North (Mr. Wilson) may like to imply in the press, the SNP believes that each country is responsible for storing its own waste—and that includes Scotland. In 1992, Scottish Nuclear planned its own dry storage facility at Torness. The Government stalled the decision on the facility, but Scottish Nuclear did not hang about—with the result that the waste was and is transported to Sellafield. The SNP made no objection in 1992 to the proposal for the facility at Torness, because it was in keeping with our policy. We do not promote NIMBYism; we simply believe that what countries make in their own back yards they should keep in their own back yards—hardly an unreasonable line to take.

We should like above-ground dry storage facilities at each of the Scottish sites where we can responsibly store spent fuel and put an end to the cycle of reprocessing and proliferation.

Mr. David Drew (Stroud): Will the hon. Lady give way?

Ms Cunningham: I need to press on; sorry.

With on-site dry storage, nuclear material will not have to be transported around the United Kingdom or the world, thereby reducing the risks of accident, theft and terrorist attack. The material would be retrievable and easily monitored—an aspect too often overlooked in discussions about non-proliferation.

In order to know whether plutonium is missing we need to know what amounts there were in the first place. There are further opportunities for the UK's nuclear industry to play its part in non-proliferation. Both BNFL and UKAEA have the technology to immobilise separated plutonium—to embed it in glass logs or ceramic pellets in such a way as to make it easy and convenient to store and harder to use for making weapons. Consideration should also be given to adapting existing technologies to the good uses to which they have already been put by the USA—methods described by BNFL as the optimum for converting high-level waste into a solid form that can be stored safely, conveniently and economically. This information comes from BNFL's briefing note "The Vitrification Plant", to be found on its website.

Immobilisation is considered by the United States to fulfil its spent fuel standard, which stipulates that, whatever is done with its stockpiles of separated plutonium, it must be rendered as inaccessible as it is when locked into a spent fuel rod. At the same time, President Clinton has made a commitment to downblending the nuclear material retrieved from former warheads, and placing it in secure storage. It is estimated that there are between 1,600 and 2,000 kg of plutonium in the UK extracted from former warheads. Where is that plutonium; is the Minister prepared to commit himself to retiring it?

It would appear that the SNP currently has a clearer policy on the disposition of plutonium than do the Government. We want a halt to reprocessing, on-site dry storage, the adoption of the spent fuel standard, and consideration of immobilisation technologies.

The lack of debate on the subject to date has been shameful. The secretive, underhand way in which the Government brought in the Georgia waste was illustrative of the Government's attitude, making a mockery of their manifesto promise of

"a new commitment on transparency by the nuclear weapons states".

If this was transparency I dread to think what is going on in secret—and this is an industry bedevilled by secrecy. We sometimes find out about failures only years after they occur, but we are always reassured that everything is safe and secure—except for what happened last week, last month, or 10 or 20 years ago.

This is not good enough: it leads to a breakdown in public confidence. The SNP is wholly willing for Scotland to play a responsible part in international efforts towards non-proliferation. I want to put paid to some of the spurious accusations of recent weeks. Our belief is that nuclear proliferation gives rise to serious concern that must be met with international determination. The Government must be prepared to conduct a thorough debate and an open consultation, along with their international partners. Through that process I would hope to reach a far more principled stance than the current mix of arm's-length policy and hollow rhetoric allows.

11.47 am

Mr. Tam Dalyell (Linlithgow): The other side of the coin is this: if we do not have nuclear energy, what will we do about global warming and its related problems?

Dounreay is well equipped to recover plutonium and highly-enriched uranium from fuel elements and residues. It provides a safe and secure area for carrying out such work. The security standards have been confirmed as meeting the requirements of the DTI's independent security watchdog, the Department of Civil Nuclear

[Mr. Tam Dalyell]

Security. The full complement of police is in place, and a new security fence costing more than £1 million was installed in 1997.

Dounreay's discharges from carrying out reprocessing work are low. The dose to the most exposed group of the public is only 1 per cent. of that received from natural background radiation. As I have pointed out, Dounreay has just been awarded its fifth ROSPA gold medal—and ROSPA is run by pretty competent people.

Reprocessing produces a well-characterised waste form that is stable and suitable for safe long-term storage or disposal. Dounreay has long experience of safe transport of plutonium to Sellafield. The recovery of the highly enriched uranium at Dounreay is beneficial because it can be used either directly or indirectly in the production of medical isotopes. If the Minister thinks that any of those facts are wrong, he will no doubt tell me. I am sure that he has some explanation as to what actually happened after the accidents involving the bulldozer.

There are others who want to speak, so I shall briefly say that, in preparation for this debate, I went to my old friend John Dunster, who authorised me to quote him. He says:

"I was glad to see your support for the processing by Dounreay of the enriched uranium from Eastern Europe."

There are problems with enriched uranium and plutonium. I thought that my hon. Friend the Member for Bury, North (Mr. Chaytor) made a constructive speech: the vitrification avenue may be as good, if not better. I welcomed the whole tone of his introduction, because, although I did not agree with him, it was highly constructive and measured. I congratulate him on the style and the way in which he put the argument.

Dr. Lynne Jones (Birmingham, Selly Oak): I note that my hon. Friend began his speech by expressing concern that we needed to continue with nuclear power, but does he accept that mixed oxide fuel is not seen as a potential fuel in this country, and that the concern in this debate is about the massive stockpiles of plutonium that are being developed as a result of MOX and other reprocessed fuels, for which this country has absolutely no use?

Mr. Dalyell: The brief answer is that the International Atomic Energy Agency has calculated that, through the use of MOX fuel, plutonium stockpiles can be held steady and then reduced in the first 10 years of the next century.

May I make the points that John Dunster made:

"As a former Deputy Director general of the Health and Safety Executive and its Director of Nuclear Safety, I am sure that the requirements of Her Majesty's Nuclear Installations Inspectorate and the technical competence of the Dounreay management will together provide an appropriate level of safety for processing this material.

I am not convinced by the argument that we should not accept overseas nuclear material for reprocessing, provided that we have the capacity to deal with it safely. Dealing with other people's spent fuel, even without the return to the country of origin of the associated radioactive waste, is no different from the export of manufactured goods. Any such exportation involves us in carrying the risks and the environmental costs of manufacture for the gain of foreign currency. I see nothing wrong in encouraging exports. If we can provide an expert service to other parts of the World at the same time, so much the better. In the case of the enriched uranium, the processing risks are small and the benefits considerable. We have a moral duty to go ahead."

Sir Robert Smith: I think that many people accepted in the Georgian instance that return and the change of Government policy may have been a necessary and sensible move in the international circumstances, but does the hon. Gentleman not feel that, had the Government come to the House and had a debate, not on the specifics, but on the principle that, in cases where there was an unstable regime, this country would be willing to change its policy, public acceptance and the debate would have been totally different? Instead, the whole issue came out through a leak, and the Government claimed that they could not have a debate even on the principle of the issue because of security reasons. However, there would have been no security implications in debating the principle, if not the details.

Mr. Dalyell: I am an old-fashioned person who thinks that it is the job of Members of Parliament to lead the public debate and to try to inform the public. Personally, I am proud of what Scotland, Britain and the British nuclear industry are able to do in offering expertise to the world to overcome a real problem. It would be selfish of me to speak at any greater length. I simply ask the Minister: is he not also proud of the British nuclear industry?

11.54 am

Mr. David Drew (Stroud): I had come to the Chamber with the intention, not of speaking, but of listening and possibly intervening. However, I should like to make a couple of points to add to the analysis of my hon. Friend the Member for Bury, North (Mr. Chaytor), who, in an interesting and analytical explanation of where we are in relation to plutonium disposition, made many points that I share, if not wholly agree with.

We must understand that there is the factor of the basic integrity of the nuclear industry. This is an interesting industry because it is split so many different ways. It transcends the public and private sectors and military and civilian purposes and it is commercially driven. At the same time, it has international obligations and has to meet basic needs in terms of the general purpose of the world's population.

Whether we like it or not, there is a proliferation of plutonium, and we have to do something with that, whether it is through the civilian route or the nuclear industry. There is also the proliferation of nuclear weapons. Various people have spoken about the problems in India, Pakistan and elsewhere. We must hope and pray for non-proliferation treaties, but realpolitik tells us that, at the moment, we have to remove that plutonium in whatever ways we can.

The nuclear industry has a purpose, a role in the future of the world. We cannot disinvent it. It is there. It is functioning. Many Members here today believe that we will have an energy shortfall in 40 or 50 years' time. Even if the most ambitious ideas of those who support—as I do—the alternative, the reusable sources, are put into practice, we still almost certainly have an enormous shortfall in energy, particularly as securing more energy is the only way in which the third world can develop. Many countries are energy deficient and must look for ways in which to reach developed status. They will need to be able to share in that.

I have a problem with all the allegations and emotive attacks on the nuclear industry. I share some of the concerns about the secrecy and lack of transparency in the

way in which the nuclear industry has tended to operate both in this country and the wider world. What concerns me is that, unless we face up to the reality of the situation, we will lose the technological know-how. We will face a world where there are no people to solve the problems that we have to solve because they will not go away.

This country was particularly well known as the leading advocate of nuclear industry. Many of our brightest brains and the people who slaved hard to come up with answers are either working in other parts of the world or leaving the industry and not being replaced. My only plea is that we do not lose the advantages that we have. We have to face up to our responsibilities and to look at what is possible at the moment. I strongly believe that, whether we like it or not, reprocessing is the best way in which to remove plutonium for the time being. We have examined how to store it, but that is neither safe nor necessarily the better alternative.

There may be ways in which, by keeping our integrity in this industry, we can find better solutions. Science in different parts of world is trying to come up with ways to find the better alternative in dealing with the problems of plutonium. As a non-scientist, in upholding faith in science, I ask hon. Members and the Minister to have a little faith in the nuclear industry and to recognise that it is about not only commercial obligation but the basic requirement of mankind to find both energy and a safe way of disposing of plutonium.

11.59 am

Mr. Tim Boswell (Daventry): The hon. Member for Bury, North (Mr. Chaytor) performed a considerable service to the House by raising these important issues, and by the general tone in which he did so—a tone which has been followed, with perhaps one exception, by subsequent speakers—given the great public concern and emotion about these matters.

Plutonium is a highly toxic material in certain applications, although its nature, which emphasises radiation through the emission of alpha particles, means that it is less penetrative than some nuclear fissile materials. In certain cases, it can be rendered relatively innocuous in use. However, on the applications side, apart from its potential use in nuclear weapons, it is a nasty substance that needs proper respect, as do many other substances that are used variously in industrial processes, from chlorine to arsenic. Plutonium is not unique in being toxic; it is perhaps unique in potentially being of very high value. It has been said that, per kilogram, it is perhaps the most valuable material in the world. The stockpile is a considerable asset in terms of its capacity for use, and not simply for nuclear fissile or nuclear warfare activities.

The concern that is rightly expressed in public debate about nuclear issues, as opposed to other industrial processes, perhaps goes further than it should. I think that that has much to do with the fact that nuclear radiation cannot be perceived, visually or by means of any of our senses. Inevitably, public debate is mediated by experts who may or may not have vested interests. Radiation has to be measured by instruments and we must be reassured by scientists. That is not always a happy situation.

Although the nuclear industry generally has a good safety record worldwide, and certainly in the United Kingdom, there have been exceptions, of which the clearest example is Chernobyl. I had some experience of that when I worked in the Ministry of Agriculture, Fisheries and Food. Twelve years ago almost to the day, we had to put the sheep population of parts of the United Kingdom under control. It is a sobering thought that some of those sheep are still under control because of the very high safeguards that we needed to impose, rightly, to reassure the public. Things can go wrong but mercifully they do not generally go wrong, and they certainly have not gone wrong systematically in relation to the United Kingdom's stockpile of plutonium.

This is a timely debate because, as the hon. Member for Bury, North said, the Royal Society has rightly expressed its concerns and its wish that the Government should consider the long-term disposition of the United Kingdom's growing stockpile. That stockpile is owned by a number of operators, and reflects both the retirement of nuclear weapons and, more particularly, the growing output of commercial reactors. I agree with the Government—I am sure that they will confirm that this is their position—that there is no immediate need for a decision. It would be wrong to rush into one. It needs proper consideration. While the material is being held as it is, I am broadly satisfied about its safety, but I would like the Minister to confirm the position.

The hon. Member for Perth (Ms Cunningham) and other hon. Members mentioned that concern has been heightened by recent events. The acceptance of the Georgian high-grade uranium material for reprocessing at Dounreay on a one-way ticket has inevitably reignited concerns about the security of nuclear installations generally. They were highlighted in recent days by the apparent failure of power supplies at the plant. I shall return to that later, because the interpretation of safety data and precautionary action is important.

There have also been disturbing revelations about apparent leakages and high levels of ambient radiation from French trains carrying material for reprocessing. That has not been mentioned today. It is right that the House should be vigilant on behalf of the public, and of the world environment, about unplanned discharges. Our job is to ask Ministers the questions that Ministers should be regularly asking their officials. I hope that they are. In particular, we must ask whether they continue to be satisfied that security at our nuclear installations is adequate, that messages are passed to other nuclear operators outwith the United Kingdom about their security and, in particular, that Sellafield is now doing what it should, given its stockpile.

Dr. Lynne Jones: Does the hon. Gentleman agree that there should be accountability regarding the location of material such as plutonium in a form that it is possible to convert into weaponry? Even the smallest amount of material should be accounted for. Is he not concerned that that will be difficult if there is reprocessing and dispersal of plutonium across the world?

Mr. Boswell: I am grateful for that question. The effect of reprocessing on the whole complex of high-level waste is to reduce and concentrate it. That creates plutonium, which has to be secured. The alternative may be to allow proliferation, or expansion, of the total amount of high-level waste kept in dry storage unprocessed. That is a difficult judgment. I had no part in it, but the previous Government had to consider it in respect of THORP, the

[Mr. Boswell]

thermal oxide reprocessing plant. Of course what is done with plutonium, and the extent to which there is accountability, are important. It is for the Minister to say how precisely he can account for it and whether there are any unaccountable losses that concern him. He can assure us that it will not happen in future. It is for the operators, who carry out the process primarily on a commercial basis, to decide whether something is economic and appropriate, and for those who license and control their activities to ensure that the matter is properly accounted for; it is right to separate the capacities.

As the hon. Member for Bury, North said, plutonium waste could possibly be converted into fissile material. Although it is not the material of choice, it is important that we view it on its merits as a potentially fissile material, and account for it appropriately. That needs to be got right. However, as the hon. Member for Linlithgow (Mr. Dalyell) did in relation to Dounreay, it is important to put on record the safety achievements of Sellafield.

That is an important point in the argument about industrial activities involving various scientific applications, whether in the nuclear industry or in other industries such as genetic engineering. We must consider the alternative. We must also consider the built-in propensity, when we measure and impose safeguards and insist on the highest possible standard, to expose more items which in a sense—I speak not as Sir Humphrey but as a concerned member of the public—reveal the robustness of the safety system. The inspectorate's decision to shut Dounreay shows that it was not satisfied with standards, not that something was inherently wrong with the plant when it was in full operation. That is relevant to Sellafield.

British Nuclear Fuels plc can declare a secular decline in the accident rate, which affects the overall housekeeping of the plant. More precisely, there has been a systematic and dramatic lowering of the discharge consent levels, whether involving ambient discharge or discharge into the sea, reflecting the fact that society rightly wants higher standards and will, I hope, enforce them. If they are occasionally departed from, that shows that the system is broadly working, not that it is failing.

It is also important to record that BNFL is the major employer in Cumbria. Some 8,000 are employed at THORP alone. It has set a new standard in being open with the public. It has created a visitor centre, not to tell people just what they need to hear, but to give them a chance to see what is going on. I have not visited it yet, but I hope to do so in due course. That readiness to open up suggests not an attempt to cover up, as some people suggest, but a readiness to take the public into the confidence of both the Government in relation to regulation and the operators in relation to their activities on the important overall issues.

We cannot expect the Government to say things that bear directly on security, but the more sunlight that can be let in, the better. Then the argument for confidence and concern about matters that we cannot measure ourselves—we do not know what is going on without the aid of instruments and interpretation—can be turned round. As the hon. Member for Stroud (Mr. Drew) rightly said, the Kyoto requirements may well in due course lead to some reappraisal of the balance of energy sources. That will undoubtedly be one of the Government's review of wider energy issues.

In his response to this important and timely debate, I should like the Minister to comment on several aspects relating more directly to its specific subject—the disposition of plutonium. As other hon. Members have said, the debate goes wider than the remit of the Minister's Department. It involves environmental concerns and Foreign and Commonwealth Office diplomatic matters. What is the latest position of the United States and Russia in respect of their ex-weapons plutonium? Where are we with that? What is likely to happen in terms of the preferred options of either incorporation through vitrification and deep disposal or otherwise, or the use of mixed oxide fuel? The United States and Russia are obviously major sources of ex-weapons plutonium, and that is not stuff that should be readily available to anyone. It needs to be turned into something else and made safer.

I have said that I do not want to press the Minister for an immediate decision on a change in policy—it is right that the matter should be considered over time—but how long does he feel, in the light of the Royal Society's comments, that we can continue to accumulate the United Kingdom stockpile of plutonium before a decision is forced on us? Is there a physical constraint? Clearly there is a security consideration. Will he give us a flavour of his feeling about that? Has he appraised mixed oxide fuel for United Kingdom conditions? There is a strong technical indication against its use here, and any that has been produced at Sellafield has been exported, but it would be helpful if he would say something about that.

Almost the last decision of my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) as Secretary of State for the Environment was his valedictory and correct decision to discontinue the possibility of deep storage at Sellafield. Is there still an interest in the country in deep disposal elsewhere? How is the Minister considering the various alternative disposal options for the United Kingdom's waste, which is strictly the subject of our discussion today?

In reaching his decisions in due course, what balance will the Minister strike between financial cost, environmental considerations and security considerations—nailing this stuff down for the future? Can he confirm to the House that public safety remains the principal concern of Her Majesty's Government? That is bound to be of interest to all of us as legislators.

12.13 pm

The Minister for Science, Energy and Industry (Mr. John Battle): It is traditional when Ministers reply to an Adjournment debate to congratulate the hon. Member concerned on winning the ballot. On this occasion, I sincerely congratulate my hon. Friend the Member for Bury, North (Mr. Chaytor) on the tone of his speech. I say that because it is rare that an hon. Member manages to raise the level of an Adjournment debate above a constituency concern to a national and international concern and puts the arguments so forcefully on the agenda both of the House and of the public.

My hon. Friend accepted the difficulty and complexity of topics ranging across the economy, the environment and national and international safety. He and others

emphasised the international aspect of the debate—one that we cannot neglect. I am most grateful to my hon. Friend for doing that. Let me start by responding on that matter.

It was with dismay that we heard of the Indian decision, to which my hon. Friends have referred. Our Government have expressed their dismay at the news of the nuclear tests. I understand that further tests have taken place this morning, although I am not sure whether they have been officially confirmed at this moment. As holder of the presidency of the European Union, the Government have expressed our dismay to India. Foreign and Commonwealth Office Ministers are summoning the Indian acting high commissioner to express our deep concern about these worrying developments.

As my hon. Friend the Member for Bury, North explained, the problem of disposal of nuclear waste is a legacy. I acknowledge the work of the Socialist Environment and Resources Association. In a recent report on reprocessing, it said :

"Although the organisation is against the generation of energy through nuclear methods in general, we accept that waste exists and that we have to deal with the nuclear legacy of the last 30 years."

I want to make that the starting point, as my hon. Friend the Member for Bury, North and other hon. Members did.

When the Labour Government came to office just a year ago, we inherited a legacy and the concomitant liabilities, just as we inherited an energy generation market in which two thirds of the major generating capacity of the nuclear industry was privatised. We resisted that move by the previous Administration, as they failed to resolve the problem of nuclear waste disposal, despite spending some £450 million on the Nirex inquiry without solving the problem of long-term dry storage. Today, in the new open energy markets, following privatisation and the opening up of the whole market to great changes, nuclear energy contributes about a third to the United Kingdom's electricity generation. That is a different climate from that which existed even a few short years ago.

As for the future of nuclear generation, it is obvious that there is no longer an economic case for building nuclear reactors in the present energy market structures. The Government certainly do not intend to subsidise the construction of any new power plants. That ought to be made absolutely plain. For those who accuse us of simply following the previous policy and doing nothing, I should add that we introduced the fossil fuel levy early in this Parliament to remove the subsidy of nuclear energy generation and switch it to support for renewable energy sources. That move was welcomed.

The House will know that the Government's policy on radioactive waste management policy is currently being considered by my right hon. Friend the Secretary of State for the Environment, Transport and the Regions, following the decision of the previous Secretary of State to refuse planning permission for the United Kingdom Nirex proposed rock characterisation facility at Sellafield, which was being investigated for a proposed deep disposal facility for intermediate-level radioactive waste. My right hon. Friend's consideration continues.

The House will be aware that the House of Lords Select Committee on Science and Technology is conducting an inquiry into radioactive waste management. My right hon. Friend the Secretary of State has announced that he intends to study the Committee's conclusions carefully before initiating a period of public consultation. I am sure that, when that happens, my right hon. Friend will welcome all comments from Members of Parliament and others, as we try to move the policy forward.

In the 1960s, the Government of the day committed the United Kingdom to a programme of reprocessing spent fuel from nuclear power stations to separate plutonium for use as a fuel in future reactors. The Royal Society report said:

"This decision was made in the light of prevailing assumptions about global stocks of uranium ore, the prospects of building a series of fast-breeder reactors and the role of nuclear power generally in the energy programme."

I agree with my hon. Friend the Member for Bury, North that the premise on which that decision was built no longer obtains, as the situation is radically different.

There has been major investment in reprocessing technology in the United Kingdom. Nuclear technology in Britain is world class, so we have been able to assist in incidents such as the one at Chernobyl. It is important to remember that those skills have been developed in this country.

United Kingdom generators have signed contracts for reprocessing work with several other countries. A stockpile of 54 tonnes of separated civil plutonium oxide from UK nuclear power generation has been built up, and, as the power stations are still in use, it is projected to be more than 100 tonnes by 2010. In the United Kingdom, plutonium has been separated from the other products in spent fuel from nuclear reactors since the 1950s. The Royal Society report acknowledged:

"Even if the practice of separating plutonium does not continue, the existing stockpile still has to be managed."

The legacy of the stockpile will remain, and no matter how hard we try, we cannot wish it away: we must deal with it.

Sellafield and Dounreay provide reprocessing services, which are in demand from customers and users. Long-term contractual obligations have to be fulfilled. The customers are the energy companies. Changes have taken place within the industry. BNFL has been developed, Scottish Nuclear and Nuclear Electric are now owned by British Energy, and Magnox merged with BNFL. Privatisation has resulted in a range of companies in Britain.

The industry continues to be regulated in accordance with the highest safety standards to protect the workers, the public and the environment. The nuclear industry is rightly highly regulated by the independent Health and Safety Executive and the nuclear installation inspectorate. It is not left to market forces: it is a regulated business, and so it should be.

Dr. Lynne Jones: My hon. Friend refers to regulation of the nuclear industry, but is he not concerned about the transport of mixed oxide fuel in type B rather than type C packages, as recommended by the International Atomic Energy Agency? Conformity with the recommendation of type C packaging is not to be introduced until 2001.

Mr. Battle: A range of bodies, such as the Environment Agency and the Health and Safety Executive, are responsible for setting regulatory parameters. It is important that we press for the highest standards of regulation.

[Mr. Battle]

Countries that use THORP are, unlike India, signatories of the non-proliferation treaty, so there is no question of plutonium from THORP being sold on the free market.

My hon. Friend the Member for Bury, North mentioned the Sellafield liquid discharges. That matter is within the ambit of the Environment Agency, and I cannot answer for that body. It is not left to market forces or subject to prior political decision. The agency must monitor the industry and impose standards. I agree with the hon. Member for Daventry (Mr. Boswell) that the Health and Safety Executive's intervention is to be welcomed and not spurned, because it shows that the independent agencies are insisting that companies act responsibly.

On 30 January, a copy of my statement of Government policy on spent fuel management was placed in the Library. Paragraph 4 specifies:

"it is for the range of owners of the spent fuel to determine whether it is economic to reprocess their spent fuel or not."

They have the right to exercise their option, but it also states that it is

"subject to fully satisfying the regulatory requirements that are set by the Health and Safety Executive."

The radioactive substance division of the Department of the Environment, Transport and the Regions recently gave evidence to the House of Lords Select Committee on Science and Technology. It said that there is no marked difference in environmental impact between reprocessing and direct disposal of spent nuclear fuel. Dr. Brown said:

"The analyses that have been made of the comparative environmental merits of both processes in past years have shown that there is not a marked difference in environmental impact between the two, or that any difference is lost in the degree of uncertainty between the two."

The shape of the industry has changed. The United Kingdom was the first country in the world to adopt nuclear power on an industrial and commercial scale when Calder Hall was commissioned back in 1956. Since that time, 19 nuclear power stations and 41 reactors have been constructed, of which 16 stations and 35 reactors are currently fully operational and three stations with two reactors each have been closed down and are being fully decommissioned. We are dealing not with only one or two plants, but with an extensive industry most of which is privatised, although some plants are in the public sector.

On 1 March 1954, the Government announced that a large-scale, experimental, fast-breeder reactor was to be constructed at Dounreay, the purpose of which was to demonstrate the feasibility of the process to increase the effective utilisation of uranium fuel by converting the non-fissile uranium into plutonium. The process has a long history. In 1958, the scope of Dounreay was extended to include fuel manufacture and fuel reprocessing, thus incorporating the whole range of operational activities associated with fast-reactor technology. In 1977, the fast-reactor processing plant was shut down partially decommissioned, and reprocessing was moved to a new, refurbished plant.

At Sellafield, the Magnox reprocessing plant has reprocessed used nuclear fuel from the first generation power stations since 1964. The thermal oxide plant at THORP began operations in March 1994 following the granting of an appropriate discharge authorisation from the independent Environment Agency. It was designed and built to reprocess used fuel from advanced gas-cooled and light-water nuclear reactors. Since operations began at the end of March 1994, some 1,450 tonnes of spent fuel have been reprocessed.

The Environment Agency is considering responses to public consultation held between 14 and 16 March on the MOX applications. That matter is still being dealt with by the Department of the Environment, Transport and the Regions, so I cannot comment on it further.

On openness and transparency, I should like to say to those who accuse the Government of hiding information that I announced to the House on 2 December an agreement for an informal group of nine countries to publish guidelines so as to provide an internationally accepted framework for the management of plutonium. I hope shortly to announce the publication of the figures for the UK's holding of civil plutonium as at the end of December 1997. We are taking action to add transparency to the process in Britain and internationally.

Mr. Chaytor: In the interests of openness and transparency, in the remaining one and a half minutes, will the Minister make a specific response on the Royal Society's recommendation for a detailed investigation, with public consultation, of all the options available to deal with the plutonium stockpile?

Mr. Battle: I appreciate that, in a debate like this, it is difficult to reply to all the points in the short time left. Such a debate is a time for Back Benchers, not for Ministers to give a full statement. However, let me say that spent fuel and plutonium must be managed, whether or not there is reprocessing. I emphasise that reprocessing does not cause additional radioactivity. The waste that is separated from the used fuel in processing has slightly less radioactivity and less toxicity than the fuel from which it comes. However, the existence of plutonium stocks, in whatever form, is of concern with regard to radiotoxicity and proliferation.

Stocks of plutonium, whether separate or not, civil or military, need to be safely, securely stored and used subject to arrangements designed to ensure that the material would be available only for a proper purpose. I would say—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order.

Electoral Fraud (Northern Ireland)

12.30 pm

Mr. William Ross (East Londonderry): The House has just been discussing an insidious and dangerous material, plutonium. I now bring to the attention of the House a practice that may not be quite as insidious as its perpetrators would wish, but which is as dangerous to the electoral process—and therefore to democracy in this country—as plutonium is to human life and to life in general.

I have seen my fair share of elections in Northern Ireland, not only as a candidate for councils and for this place, but as an Ulster Unionist party worker. I have been well aware of the dangers of electoral fraud taking place. It is not a new phenomenon. The old catch-phrase, "Vote early, vote often," is a testimony to what took place in past years in some elections.

From the time of my earliest forays into politics, I was warned to keep a sharp look-out on election day. I also learned that fraud did not start on polling day; that was the day on which the efforts put in train many months previously bore fruit. However—*[Interruption.]*

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. The hon. Gentleman must be heard. I am surprised that the Minister for Science, Energy and Industry is conducting a conversation in the Chamber.

Mr. Ross: However, in those days, electoral fraud was not the danger to the validity of the electoral system and to the democratic process that it has become in recent years. Before the present violence began, a far larger percentage of our population in Northern Ireland lived in mixed communities. The party activists—there were many—therefore had a far greater knowledge of the total population than is now possible. In other words, the ghettoisation of Northern Ireland as a consequence of terrorist violence has increased the difficulties of political organisations in the Province.

That means that, whereas in the past the problem was largely confined to very few areas—for example, west Belfast, which was always a cockpit of politics—it is now far more widespread. Moreover, because electoral fraud is almost all carried out now by the Sinn Fein-IRA elements, it has become a carefully planned, sophisticated operation, far removed from the amateurish standards that were the norm when it was organised by individuals, not by an organised body of people.

Labour and Conservative Governments have been aware of the problem for many years, but have been distinctly loth to take action to stop it. I therefore welcome the Secretary of State's review team, set up in October 1997, which was a fulfilment of assurances given by the hon. Member for Clydebank and Milngavie (Mr. Worthington), now Under-Secretary of State for Northern Ireland, on 12 March 1997, to which reference may be found at column 397 of *Hansard*.

I also welcome the action taken by the Northern Ireland forum and the excellent report that its members produced, for which I happened to give evidence, some of which is reproduced on page 105 of the second report of the Select Committee on Northern Ireland Affairs for the 1997-98 Session. I very much welcome the Select Committee's investigation and report, which is before the House and is relevant to the debate.

A detailed and useful picture emerges as to how fraud is carried out. It is clear that it is massive and on-going—and that it must be stopped. It is interesting to read the last two paragraphs of the Sinn Fein memorandum on page 75 of the Select Committee report, for it is obviously the only party in Northern Ireland that wants the safeguards relaxed—I believe that we may draw certain conclusions from that.

On page 10 of the Select Committee report, the chief electoral officer for Northern Ireland—a man of vast experience in that field—informed the Committee:

"I am referring to the two 1981 by-elections in Fermanagh-South Tyrone where I travelled round the polling stations and I saw organised personation to such a level that I went to the Secretary of State afterwards and said that in my opinion it was totally unacceptable and some change must be made to enable a code to be obtained over that particular process."

Therefore, the problem is not new. There was organised electoral malpractice, personation and vote stealing on a massive scale at that time.

Of course, we should remember the reasons for the 1981 by-elections. There was the death of Frank Maguire, an independent nationalist Member of the House, followed by the election of Mr. Sands, the first hunger striker to die. It was a time of considerable political emotion in Northern Ireland, especially in that area. However, we can see from that statement how much it was capitalised on and used by the terrorist organisation of which Mr. Sands was a member.

On pages 11 and 12 of the Select Committee report, my hon. Friend the Member for Lagan Valley (Mr. Donaldson) asked many interesting questions and made several interesting points. For instance, he pointed out:

"During the recent local government elections in May this year 35 applications were received supported and signed by a certain doctor (whose name I will hold for the meantime) who is known to me in the health centre in Omagh. He completed a part 3 declaration in support of each application and part 3 states: 'I further attest that he or she is being treated by me, is receiving care from me in respect of that physical incapacity and that they are likely to continue indefinitely for a period of months.' These applications all related to persons resident in the Mid Tyrone electoral area within the constituency of West Tyrone. They were rejected by your office"—

that is, Mr. Bradley's office—

"as the applicants did not live within the catchment area of the Omagh health centre and on investigation it was found that these people were not registered with that health centre, in other words the doctor who signed these applications attesting that he was treating these people was not treating them."

On page 12, my hon. Friend says:

"You may be aware of a BBC . . . Spotlight"

programme

"which highlighted the problems with multiple registration particularly in the constituency of West Belfast. The reporters in that programme came up with a number of clear examples of multiple registration. One example was where six people claimed to be tenants in a one bedroom flat and in fact none of them was actually resident at that flat. Again, another situation where five residents were registered at another one bedroom flat but could not be traced. Another where six people were sharing a one bedroom flat, three of whom could not be found. And another case of two out of five people registered at another flat who were registered at other addresses within the same constituency as well as two further addresses in a different constituency. Certainly, from my recollection, they are all clear cases of abuse of the registration system."

[Mr. Ross]

That gives a clear idea of the position from the viewpoint of the Ulster Unionist party, but the most damning words in the report were uttered, not by an Ulster Unionist representative, but by Mr. Alex Attwood, an active and well-known member of the Social Democratic and Labour party on Belfast city council. He tells us on page 50:

"The evidence the SDLP produced was on the Draft Register"

of electors

"and many of their concerns centred on Divis Tower in the Falls Road. Normally around 160 people live here, but according to the draft electoral roll there are 22 extra residents."

He mentions various flats, some of which may well be those mentioned by my hon. Friend the Member for Lagan Valley. He continues:

"According to the draft electoral roll this two-bedroom flat is home to five men, including Terence Clarke"—

better known in Belfast as "Cleeky Clarke"—

"Robert MacMahon and Sean O'Neill. These names, although slightly misspelt, matched those of close associates of Gerry Adams."

There is more in the next column, to the effect that those people appear not only at that place but throughout Belfast, and especially in north Belfast. Every one of them is a well-known thug, to be charitable. We simply cannot allow that to continue, and there must be action to stop it. For those who do not want to wade through the 108 pages of evidence, I suggest a reading of the summary of conclusions and recommendations, which are quite damning.

It is plain that the provision of an accurate register of electors is the first essential in stamping out electoral fraud. It is an established fact that the key to the prevention of widespread fraud is a means of accurately identifying each elector at the compilation of the register and in the polling station, or when the person is applying for an absent vote. That is not a new conclusion, because the present requirement that each elector should identify himself before receiving a ballot paper is an effort to prevent fraud.

The system has not worked because the documents that are required do not all have photographs and many of them are easily acquired by the fraudsters. That was acknowledged last year by the present Under-Secretary of State, at column 398 of the *Official Report* of 12 March 1997. I am not sure that there is a foolproof or easy answer, but the essentials of a better method of identification are easily derived from the mass of evidence that is with the Government. They are an identity card with a photograph of the person who is named on it, which should also contain the date of birth and a number that is unique to the card owner. It should either be the person's national insurance number, although there are difficulties with a large surplus of national insurance numbers, or the medical card number.

It would be a good idea for the card to be a medical card and, of course, that is close to the concept of a national identity card. Perhaps the Government will clarify their position on that issue. Such a card was proposed in the previous Parliament by the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), who is now the shadow Foreign Secretary. The medical card would also be useful if the holder had an accident. Such a triple check would make it difficult to register more than once, and a computer system would pick that up as it picks up registered debts. The photograph would make visual identification in the polling station of the elector relatively easy, beards aside.

I do not accept all the arguments by the so-called civil libertarians against an identity card. Most other countries in Europe have them, and it is nonsense to think that a totalitarian Government would not rapidly introduce such a system anyway. The issue creates no danger to civil liberties.

The Minister will say that it would be almost impossible to get accurate photographs of everybody in Northern Ireland. I again draw to his attention the good news that I gave him a week or two ago in another debate. Photographs with the correct name attached are already to hand for a large proportion of the electorate. They exist in the Driver and Vehicle Licensing Northern Ireland agency in County hall, Coleraine.

The Minister will recall that, on 3 April, more than 1 million people in Northern Ireland had driving licences. Few of the photographs on them are false, because they would be of no use to the licence holders. About two or three years ago, the agency studied the implementation of a national identity card. The agency holds the date of birth of all licence holders. Some women may have avoided giving that, but that is not a real problem. Each licence has a unique number that could be used if needed. The system uses a card of the same size as a credit card—it is a blank credit card—and production could be carried out in Coleraine at fairly high speed, although it would still take some weeks.

On 3 April there were 1,082,936 licence holders on the computer system, and every licence has a digital photograph attached. After allowing for the number of people who have departed, the photographs of a huge proportion of the people of Northern Ireland over the age of 17 are in a computer in Northern Ireland and could be switched out at any time. That represents 88.7 per cent. of the population of the Province over the age of 17.

The numbers associated with the card should be on the electoral registers that are used by officials in the polling stations, and should be available to the chief electoral officer for cross-referencing to his computer list. However, they should not be on the registers that are available to the public. If that system was implemented, forgery would be extremely difficult, because the fraudsters would not be able to produce cards with the correct numbers. To steal votes, they would need electors' cards and would have to reprint them with different photographs. That would be a much more sophisticated operation than the one in which they currently engage.

Next week, we have a referendum on which the future of Northern Ireland will depend, and the accurate identification of electors is no more possible in that vital election than it was in the two elections last year. Steps should have been taken long ago to deal with electoral fraud. I hope that the Government will say what they intend to do and when, so that we may have honest electoral results in all parts of Northern Ireland, not only in areas where Sinn Fein is weak.

The debate is about electoral fraud, but there are other concerns about elections. People should not be prevented from voting, but if we restricted postal and proxy voting,

that right would be curtailed. We must face that delicate and difficult issue, but it must be dealt with properly. There must be a more sensible approach to the use of the driving licence for purposes of identification. At present the whole licence, document card and all, has to be produced. That is obviously nonsense, because the plastic card with the photograph, which most people carry in their wallets, should be sufficient.

People can go into a polling station and say to the presiding officer, "Hello John, how are you? Here is my driving licence." They are told, "It is insufficient, William. You are not allowed to vote. Away you go." Many people walk out in fury and do not come back. That is crazy. I have raised the matter for years and I have been told, "Perhaps they go home and come back." They will not come back if they live five miles away. A proper identity card for this purpose is needed. It would also be useful for other purposes, and a medical card is the one that I favour.

Common sense must be applied to the identification of Northern Ireland people. We know the problem and we know where it is and who is behind it. When will the Government act? All hon. Members and the vast majority of Northern Ireland people want honest election results. All the information is available. When will the Government get on with it?

12.46 pm

The Minister of State, Northern Ireland Office (Mr. Paul Murphy): I thank the hon. Member for East Londonderry (Mr. Ross) for raising an exceptionally important issue. I encountered the matter almost in the first week of becoming a Minister, because, of course, directly after an election, matters are fresh in politicians' minds. Since that time, my right hon. Friend the Secretary of State and I have taken a special interest in electoral malpractice. I pay tribute to the members of the Select Committee on Northern Ireland Affairs, who produced an interesting and full report. I also pay tribute to those who took part in the forum talks and who met me to present their report and findings. I give the undertaking that the findings of both bodies will be taken into account in the current review. I shall come to that shortly.

The hon. Gentleman referred to the Select Committee report. On page 105, he is reported as saying:

> "I agree with the hon. Member; the registration process in Northern Ireland is much better than that in the rest of the United Kingdom. It is carefully done and people are followed up."

Because of the problems of malpractice and fraud that have been experienced in Northern Ireland, aspects of the electoral system there are better than in the rest of the country. There is a residency qualification and a declaration against terrorism. Documents are specified and, of course, voting is by proportional representation.

The Government take abuse of the system extremely seriously; we believe, above all, that the right to vote is central to democracy. If the integrity of that process is abused, democracy itself is abused. The importance that we attach to the issue is illustrated by the speed with which my right hon. Friend the Secretary of State responded to allegations of malpractice after the elections last year, by establishing the review of electoral procedures. Since July, the review has been analysing every aspect of electoral procedure in Northern Ireland, with a view to enhancing the system generally, but with a particular interest in investigating the incidence of malpractice.

On 31 July last year, I asked voters in Northern Ireland to write in with their concerns or evidence that they might have of electoral abuse, and their suggestions for improvements. I can tell the hon. Gentleman that the response was not particularly good. Consequently, some months later, in October, we issued a second press release and I personally sent a letter to every political party that had not yet submitted papers for the review. Even then, I suspect, the response was a little disappointing. Nevertheless, we have worked very hard.

Mr. William Ross: One of the reasons why the Minister may not have got a response from my party and possibly from others was that we knew that the other inquiries were going on, and we assumed that both the forum and the Select Committee would deal with the matter. That has indeed been done very well.

Mr. Murphy: I take the hon. Gentleman's point, but his party was not the only one involved. There were smaller, newer parties that could have helped us in our review.

We had a great deal of input, and still do, from the chief electoral officer, Mr. Pat Bradley. The review team has studied and carefully considered all the points made by the forum committee, the Select Committee on Northern Ireland Affairs and the parties that have written to us.

The hon. Gentleman referred to specific examples of electoral malpractice. I shall deal with three aspects, starting with electoral registration. Some have alleged that the Northern Ireland electoral register is inaccurate, and that those who wish to abuse the system exploit procedures in order to register themselves or others when they do not fit the eligibility criteria. Our research so far has indicated that such malpractice is possible, but it must be said that no specific, provable cases of deliberate attempts to abuse the system have emerged.

As has been pointed out, the method of registration in Northern Ireland is better than that in the rest of the United Kingdom. A system of door-to-door canvassers is used every September to compile the register. The canvassers offer help and advice to householders on how to fill out their forms, and help to explain the eligibility criteria. Furthermore, in the attempt to collect all registration forms in person, they call at each household three times, before leaving the form to be returned by post. The rate at which forms are completed with a canvasser present is regularly over 90 per cent. In the preparation of the last draft register, 408 canvassers were employed and more than 622,000 residential units were canvassed.

After the registration cycle, the draft register is published to allow for a system of claims and objections operated by the chief electoral officer to take place. As the hon. Gentleman will know, objections are allowed to any name included on the register or claims for names to be added. The point made by Mr. Attwood in his evidence could be covered by that procedure. Names can be added to the register throughout the year, by a monthly claims process. As the hon. Gentleman knows, he and his

[Mr. Murphy]

parliamentary colleagues are sent by the chief electoral officer the annual timetable of dates for the monthly hearings.

Mr. Harry Barnes (North-East Derbyshire): The report by the Northern Ireland Affairs Committee suggests that a rolling register that would allow people's names to be added and deleted according to area as they moved around would be fruitful in Northern Ireland. It would be particularly fruitful in dealing with the problem of multiple registrations, which are open to abuse, because a system of multiple registrations would not be necessary for people moving from one area to another. I realise that that is tied in with the general review of such matters throughout the United Kingdom.

Mr. Murphy: I am grateful to my hon. Friend. He knows that the recommendations of the Select Committee, of which he is a member, are important and will be taken into account. The review has identified various possible improvements, and we are investigating their long-term feasibility.

Personation at polling stations may spring first to people's minds when the issue of electoral malpractice is raised. It caused public concern in the 1970s and 1980s and led to the introduction of the Elections (Northern Ireland) Act 1985. The hon. Member for East Londonderry rightly referred to the requirement for a voter to produce one of a number of valid, specified documents at a polling station before being issued with a ballot paper. The list was drawn up with the intention that all registered voters would have access to at least one of those documents.

I am aware of the concern about the use of the medical card as a form of voter identification, which has been expressed by individuals and many parties in Northern Ireland. I take the hon. Gentleman's point about the use of another document, perhaps a registration document. Those are matters that the review is currently considering. Of course, it is important that documentation should be provable and have the confidence of everyone concerned.

We must be careful, however, not to withdraw documents without an adequate replacement being made available. It is not an option to disfranchise genuine electors in order to tighten up voting regulation. The hon. Gentleman referred to the miles that people must travel, especially in rural areas, in order to vote, and the fact that they rarely return after being turned away. Regulations exist that allow for the challenge and arrest of individuals suspected of personation, but as the hon. Gentleman knows, they are rarely used.

From general correspondence and feedback, it has become clear that the greatest source of concern about electoral malpractice is the absent voting system. The procedures that we have inherited do not appear to include the checks that are present for registration and voting at polling stations. There is scope for abuse of the regulations, and the absent voting procedures seem to be the ones most vulnerable to malpractice.

The Government have already taken steps to make the system more secure for the referendum and the possible assembly elections. The electoral office will be allowed a slightly longer period for scrutinising the absent voter applications, which would permit the identification, and therefore the rejection, of fraudulent applications.

In addition—this was dealt with in the Select Committee report—the wording of the medical declaration is being changed to require the witness to declare that he has seen the applicant in connection with the medical condition. That should aid the identification and prosecution of medical practitioners who fraudulently attest forms. The hon. Gentleman referred specifically to the comments on that in the Select Committee report. We shall examine the operation and success of those measures to decide whether they should be implemented for future elections.

The review is looking into the absent voting system. It submitted an interim report on electoral malpractice in November last year. I must repeat that no hard evidence of electoral abuse has been presented, but there can be little doubt that there is a general perception in Northern Ireland that electoral malpractice is being perpetrated on a large scale, that electoral abuse exists and that something must be done. I strongly agree that abuse is unacceptable and that it is essential for people to have confidence in their electoral system.

The chief electoral officer has been very open in his judgment of the system. Although he agrees that no real proof of malpractice exists, he has publicly expressed his concern that certain irregularities strongly suggest that certain areas of the electoral process at the very least arouse a suspicion of foul play. I believe that, once the review has reported, we shall want to carry out full consultations with the parties before introducing changes. That means that it is unlikely that any fundamental changes will be made before the elections to the European Parliament in 1999, but some may well be introduced after that date.

Mr. William Ross: The Minister stated that the chief electoral officer said that there was no evidence of electoral malpractice, but on page 10 of the Select Committee report Mr. Bradley states:

"I saw . . . personation to such a level that I went to the Secretary of State".

He witnessed it himself.

Mr. Murphy: I was referring to the absent voter aspect. I entirely accept that electoral malpractice exists, and furthermore that the perception of such malpractice leads to a lack of confidence in the electoral system. It is important that the review takes into account all the views that have been expressed by hon. Members, the Select Committee, the forum and political parties. When the review emerges later in the summer, I believe that its recommendations will produce the confidence that is necessary for proper democracy in Northern Ireland.

Mr. Deputy Speaker: Order. We now come to the debate on road traffic accidents.

Road Traffic Accidents

1 pm

Ms Patricia Hewitt (Leicester, West): I propose to speak for about 10 minutes and then, with your permission, Mr. Deputy Speaker, I shall allow my hon. Friends the Members for Hendon (Mr. Dismore) and for Barrow and Furness (Mr. Hutton) to make brief contributions before the Minister replies.

This debate is a memorial to one of my constituents, Chantel Crofts Botterill, who was killed by a car driver last September. Chantel died on a Sunday afternoon. She had gone out with two of her sisters and a friend. They were walking along the pavement of one of the main residential roads in my constituency, Fosse Road South, when Chantel wanted to try out her friend's new bike. She hopped on and rode for a few yards, still on the pavement, which at that point was raised well above the road and guarded from it by a metal railing. She rode for only a few minutes until she was hit by a car that had swerved off the road, careered on to the pavement and smashed through the railings into her. She died instantly. She was 15.

Chantel's parents, Gail and Ronald Botterill, are here for this debate. I pay tribute to their courage and to the courage that so many other bereaved parents and families have shown in coping with their loss. I am a mother as well as a Member of Parliament and can imagine nothing worse than to lose a child. I honour and share the Botterills' determination to do everything they can to prevent other families from suffering as they have suffered.

My constituents have launched a petition and have already gathered hundreds of signatures. They want—we all want—roads that are safe for our children. They want, and we should all want, laws that hold drivers responsible for their actions, and provide proper support for the families of people killed on the roads.

Chantel was unique in her life, but she was not unique in the manner of her dying. In 1996, the last year for which we have statistics, 186 cyclists and 995 pedestrians were killed by car drivers—that is 1,181 men, women and children. Like most right hon. and hon. Members, I drive a car. It is an enormous personal convenience and I would not want to be without it, but I also know that a car is not merely a personal convenience, but a lethal weapon. A family saloon travelling at 35 mph has 90 times the power of a shotgun blast and at 40 mph a car that hits a pedestrian or cyclist will almost always kill.

The driver who killed Chantel has been charged with causing death by careless driving while under the influence of alcohol. It took several months for that charge to be brought—several months of delay that added to my constituents' distress.

I raised the case with the Director of Public Prosecutions and, finally, a senior Crown prosecutor reviewed it and agreed the charge. As the driver will be committed for trial next Monday, I will say no more about that prosecution, except to stress how rarely that charge is used. In 1995, of a total of 3,274 deaths in road crashes, there were only 13 charges for murder and manslaughter, and 369 for causing death by dangerous driving or careless driving while under the influence. In the majority of cases—seven out of eight—the horror of a death on the roads is followed by nothing more than a charge of careless driving and, if the driver is convicted, a fine of a few hundred pounds and the imposition of a few penalty points.

An inspector of the Leicestershire constabulary, with whom I have liaised on the death of Chantel, reminded me yesterday of the conviction in Loughborough magistrates court of a driver who killed two people in a crash on the A1. He was charged with and convicted of careless driving and was punished—if we can call it that—with a fine of £250, £120 costs and six penalty points. That is why we need a change in road traffic law.

These are not tragic accidents, as we so often refer to them, but the predictable result of criminal offences. Driving too fast, which is the cause of at least one in three road accidents and more than 1,000 deaths a year, running through a red light and accelerating across a pedestrian crossing are not acts of unfortunate carelessness, but crimes that will obviously, in many cases, kill or injure an innocent person. However, at present, the law leaves the police, the prosecuting authorities and, above all, the families of victims in an intolerable position. If the authorities believe that they cannot prove dangerous driving—and it is difficult as the law stands to do so—and if there is no evidence that the driver was using drink or drugs, they are left with nothing else than bringing a charge of careless driving, with the derisory penalties that usually follow a conviction.

Mr. Brian Cotter (Weston-super-Mare): I wish to offer my support. Relatives of victims in my constituency have pointed out to me exactly what the hon. Lady is saying. They are left grieving, because they do not feel that they have had restitution.

Ms Hewitt: I am grateful to the hon. Gentleman for that support.

Drivers will not take bad driving seriously when the courts and the law do not. For that reason, we need a new offence of causing death by negligence, as is the case in Germany, or causing death by driving—motor manslaughter—as in California.

The issue crosses departmental boundaries, but I hope that my hon. Friend the Minister will be able to tell us when the badly needed review of the Road Traffic Act 1988 will take place, and will assure the House that Ministers will seriously consider the changes that I and other hon. Members have proposed. I hope, too, that the forthcoming White Paper on transport will contain comprehensive proposals for cutting drivers' speed. In the meantime, will my hon. Friend ensure first, that, in future, the statistics for convictions for careless driving offences distinguish those in which a death or serious injury has been caused?

My second concern is with sentencing. I know that my hon. Friend the Member for Hendon will take up the issue shortly. I strongly support the North committee's recommendation, made many years ago and sadly not implemented, that the courts should be able and, indeed, required to take account of the consequences of the road traffic offence in determining sentence.

I welcome the Court of Appeal's decision this morning in one particular case, but I think that we need to go further. Any conviction for a road traffic offence where someone has suffered death or serious injury should, in

[Ms Hewitt]

my view, require the courts to disqualify the driver for a minimum period of five years. No driver who has killed and been convicted of a road traffic offence should be able to drive himself away from court.

The third issue that I wish to raise briefly is drug-driving. The previous Conservative Government took many steps, which we all welcome, to reduce the incidence of drink-driving and to make drivers understand the seriousness of it; of course, there is still more to be done on that. I believe that we need a parallel effort on drug-driving. I welcome the recent announcement by the Minister for Roads, Baroness Hayman, about the trial of a roadside drug-testing kit. We should require the police, in cases where there has been a death or serious injury, routinely to test the driver for drugs. We also need a clear standard for drug use which is equivalent to the legal limit on alcohol. If a blood or urine test shows that the driver has been using an illegal drug, that of itself should constitute unfitness to drive within the terms of section 3A of the Road Traffic Act.

Finally, there is the issue of support for families—the secondary victims, as Mr. and Mrs. Botterill call themselves. On the various occasions when I have been burgled, I have received without any prompting a letter from Victim Support. I have not felt the need to use it, but I have known that Victim Support was there if I needed it. I was appalled to discover that Mr. and Mrs. Botterill have received no such offer of help. They were not given the support that would, for example, have been received by the family of someone who had been murdered. Whatever the law says, from Mr. and Mrs. Botterill's point of view, their daughter has been murdered.

I do not know whether such support would best be provided by Victim Support or by organisations such as RoadPeace and BRAKE, which do excellent work. However, I know—I hope that the Minister will ensure that this takes place—that all police forces should notify the support services when there is a fatal road crash and ensure that the bereaved receive proper advice and information.

The Government were elected on a promise to be tough on crime and tough on the causes of crime. My hon. Friends and I want to hear from the Minister that the Government will be equally tough on car crime, and ensure that the rights of car drivers are properly matched by their responsibilities. That is the least that we can do for Chantel, for all the other innocent people who have been killed by car drivers, and for the families who have been left to grieve.

Several hon. Members *rose—*

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. It is clear from what the hon. Lady has said that the tragic case to which she referred is sub judice. Under the rules of the House, Members should not debate that case, which is shortly to be dealt with in the courts.

1.13 pm

Mr. John Hutton (Barrow and Furness): First, I express my gratitude to my hon. Friend the Member for Leicester, West (Ms Hewitt) and the Minister for allowing me to make a short contribution to this important debate. I echo and support my hon. Friend's call for a review of certain aspects of the Road Traffic Act 1988.

I shall confine my remarks to section 3 of the Act and the offence of careless driving. I ask my hon. Friend the Minister to respond to two points, if he can. First, an inadequate range of options is available to the magistrates courts when they are sentencing in careless driving cases. Under current legislation, there is the ability only to disqualify a driver, at the magistrates' discretion. There is no mandatory disqualification and no mandatory requirement for a convicted careless driver to undergo a compulsory road driving test again. That is a mistake. It is a gap in the law and I hope that my hon. Friend the Minister will consider whether that gap can be closed.

Secondly, I strongly support my hon. Friend's recommendation that the Minister should take the opportunity to look again at the North committee's report, which recommended that magistrates courts should have the power to take into account the consequences of careless driving. One of my constituents was killed last October—a three-year-old girl, Wallis Fenton—by an act of careless driving. My constituents' reaction to the sentence imposed in that case has been general concern that magistrates do not have a broad enough range of sentencing options that properly reflect the importance of human life and punish careless drivers appropriately.

There is a gap in section 3 of the Road Traffic Act. Careless drivers are not currently subject to appropriate sanctions and penalties. I hope that my hon. Friend the Minister will be able to say something encouraging about his review of road traffic legislation in this respect.

1.15 pm

Mr. Andrew Dismore (Hendon): I congratulate my hon. Friend the Member for Leicester, West (Ms Hewitt) on securing this important debate. During 20 years' experience as a personal injury lawyer, I have seen many bereaved families who have suffered tragedies, and I have heard them express their feelings of injustice, both in civil and criminal law.

All the points that my hon. Friend has made are illustrated by the case of the Asamoah family. Hans Asamoah was killed tragically on 22 September 1996. His mother is listening to the debate.

The facts are that a car driven by Nicholas Tunstall crashed. Hans, a passenger, was thrown out of the car and killed instantly. Tunstall decamped and gave a false name at the hospital. He initially falsely claimed to have been a passenger; he refused a blood test. He showed no remorse. When charged with causing death by dangerous driving, he pleaded not guilty at the Crown court. After half an hour, the jury found him guilty. He was found to have had two and a half times the alcohol limit and to have been using cannabis. The car had been driven at 70 mph in a 30 mph limit.

On 5 February 1998, the case came to sentencing at the Crown court. Mrs. Asamoah had previously been promised that she would be informed that it would be necessary for her to attend court. Instead, she was told that she need not go. A letter was read out in court from the parents of another victim. Tunstall was sentenced to 240 hours' community service.

Mrs. Asamoah first heard of the result when she read it in *The Sun*. Fortunately, she is a determined woman. Her distress, although it was compounded by the result,

led her to take up the matter with me and the Attorney-General, who, I am pleased to say, referred the matter to the Court of Appeal, which heard the case yesterday. I am also pleased to say that the Court of Appeal increased the sentence to one of three and a half years' imprisonment, with a five-year ban and an obligation to undergo a re-test, as suggested by my hon. Friend the Member for Leicester, West. Mrs. Asamoah now feels that justice has been done. However, no sentence, lenient or harsh, can ease her pain and bring her son back.

The lessons from the case are clear. It is not only a matter of changing the law. We must also ensure that sentencing policies are carried out fully and are brought to the attention of the court, in the same way in which the Court of Appeal made its recommendations yesterday. The Crown Prosecution Service must adopt a more aggressive line in these matters. As my hon. Friend has said, the victims must have their views taken into account and heard. They must be treated with consideration and tact, and they must be given proper information about what is going on.

1.19 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): I begin by saying how moved I was, and how sorry to hear the description given by my hon. Friend the Member for Leicester, West (Ms Hewitt) of the tragic circumstances of the death of Chantel Crofts. When listening to my hon. Friend, I realised that I knew the relevant part of Leicester reasonably well. I know Fosse Road South, which is to the west side of Narborough road, where the incident happened.

Like my hon. Friend, I am a parent. I have two young children. I agree with her that I cannot imagine anything worse than the loss of one of my children. I convey my sympathy and sincere condolences to Chantel's parents, Mr. and Mrs. Botterill, and to her sisters and brothers at this difficult time for them. I also convey condolences to Mrs. Asamoah, in the case raised by my hon. Friend the Member for Hendon (Mr. Dismore). Similarly, I offer condolences to the family involved in the case raised by my hon. Friend the Member for Barrow and Furness (Mr. Hutton).

I cannot comment on the circumstances of the individual case raised by my hon. Friend the Member for Leicester, West (Ms Hewitt) because, as Mr. Deputy Speaker rightly said, it is sub judice and it would be improper for a Minister to comment on the circumstances at this time. However, I am concerned at the delay that she mentioned and I will ask for a report seeking reasons for that.

My hon. Friend the Member for Leicester, West made various proposals for legislative change in her usual persuasive style, and I will consider them. These are important issues and we want to ensure that we get it right. Criminals who use cars are criminals none the less, and we intend to ensure that our response is firm and tough. As my hon. Friend requested, I will liaise with colleagues in other Departments, particularly the Department of the Environment, Transport and the Regions, on how we can tackle road safety issues more effectively. I undertake also to write to my hon. Friend about the proposal that the police should have available to them the pamphlet from BRAKE, and that the support services should be notified of the possible need to help bereaved families in circumstances such as this.

That said, I shall now seek to address the broader issues. This involves difficult and complex issues of charging and sentencing, and I hope that I can address them with a degree of sensitivity, which is important in cases such as this. Sometimes, those who kill on the roads are punished only by relatively low fines. My hon. Friend the Member for Barrow and Furness described circumstances in which offenders have been charged with careless driving.

I can well understand the deep anger and frustration felt by relatives who have lost a loved one and who believe that the person responsible has not been adequately punished. Such cases pose particular difficulties for the court. No one can dispute the seriousness of the consequences when death is the result of a crash, but the criminal law must consider the extent of the offender's culpability. The difficulty in these cases is that the offender has, in law, acted carelessly rather than intentionally, but the consequences of his act are disproportionately serious.

As my hon. Friend the Member for Leicester, West said, this whole subject was looked at in depth by the North committee in 1988. The report concluded that it would be wrong to impose on a driver severe penalties for tragic consequences if his actions amounted to carelessness.

The Government must ensure that the courts have the powers they need to deal with the offenders who appear before them. That is certainly our responsibility. It is the responsibility of the courts to deal with the cases that come before them and to decide on the appropriate sentence in each case. We believe that the law should provide appropriate sanctions to enable the courts to deal severely with instances of bad driving that are worse than careless, and where the offender bears a greater responsibility for his actions.

As hon. Members will know, there is a graduated scale of penalties. Careless driving carries a maximum fine of £2,500 and an obligatory endorsement of the offender's driving licence. Driving while disqualified and drink-driving both carry maximum penalties of six months' imprisonment, a £5,000 fine and an obligatory disqualification from driving. More serious driving offences rightly carry more severe penalties. The maximum penalty for dangerous driving is two years' imprisonment and for causing death by dangerous driving or driving while under the influence of drink or drugs, the maximum penalty is 10 years' imprisonment. The courts may disqualify the offender from driving a motor vehicle for a period of disqualification up to life. That framework gives courts the powers to impose severe penalties on those who commit the most serious driving offences.

Ms Hewitt: Of course I accept that the gradation of sentences according to the severity of the offence provides part of the framework for the sentencing process. However, does my hon. Friend support, as I do, the recommendation of the North report that the

"courts should be able to take consequences into account in sentencing for all the general bad driving offences"?

[Ms Hewitt]

In that way, in an offence such as careless driving, the consequences can be taken into account.

Mr. O'Brien: We have to look at the issue of consequences and intention. We must be aware that a judge may have to consider whether a person is to be sentenced for unforeseen and clearly unintentional consequences. The courts have to balance that carefully when they make a decision in such cases. The prosecution will have to decide at the beginning of the process how it is to view the case, and ensure that the court is able to make the right judgment on the appropriate penalty.

The "causing death" offences were first introduced in 1956 because there were concerns that juries were unwilling to convict drivers for manslaughter. The offences were redefined in 1972 and again in 1988. In 1991, a new offence of causing death by careless driving while under the influence of drink or drugs was created. In 1993, the maximum penalties for causing death by dangerous driving or while under the influence of drugs or alcohol were doubled from five to 10 years' imprisonment.

The current framework is broadly based on the North report, which addressed in great depth concerns that the law relating to road traffic accidents had not developed in a satisfactory manner. A number of factors were given detailed consideration, including the possibility of a new offence of causing death by careless driving. The report concluded that it would be wrong to visit on a driver severe penalties for unforeseen tragic consequences if his or her actions were careless.

Mr. Ben Bradshaw (Exeter): My hon. Friend talks about unforeseen consequences. Surely, as my hon. Friend the Member for Leicester, West said, a motor vehicle is a lethal weapon. How can my hon. Friend call the possible fatal consequences of bad driving unforeseen? Every driver should be aware that such a consequence is foreseen if they drive badly.

Mr. O'Brien: My hon. Friend misunderstands me. Any driver of a motor vehicle has to be aware that he is driving a potentially lethal weapon. If consequences occur that are the result of him behaving in a way that could cause death, that must be taken into account by the court. Sometimes, circumstances occur that are unforeseen, and we must be wary of the way in which we impose obligations on the court and constrain judges in their ability to impose sentences. The judge must be given a level of discretion that enables him to tailor the sentence to the circumstances.

I am a little wary of going as far as some hon. Members have suggested in constraining judges in the sentences that they can impose. I know from my practice in the courts that each case is very individual. Many different factors have to be taken into account by judges, and I am anxious to ensure that that occurs in driving cases where people are injured or killed as much as in other circumstances.

The Government's aim is to ensure that we have provisions that enable the court to deal with cases in the best way possible. We need to ensure that the Crown Prosecution Service and the police are able to put forward appropriate charges. We are seeking to provide a balance of various levels of charging and appropriate sentencing, which the courts and the prosecuting authorities can consider and tailor to the circumstances of individual cases.

It is relevant in this debate to remind hon. Members of the important provisions in the Crime and Disorder Bill, which will place a new statutory duty on the Court of Appeal to consider improving existing sentencing guidelines when cases come before the court, and to establish the principles that guidelines take into account. The Bill will establish the new sentencing advisory panel to provide advice on sentencing to the Court of Appeal and to help inform guidelines. The panel will provide the court with statistical information and will consult a wide range of interested parties, including, importantly, victims' groups. We believe that those provisions will lead to more comprehensive sentencing guidelines, which will ensure greater consistency in sentencing.

I have listened carefully to this debate. I shall liaise with my colleagues in other Departments to ensure that we get it right in tackling these serious and important issues. They need to be dealt with very sensitively and to be given the importance that they deserve, and we are determined to ensure that they are. I am grateful to my hon. Friend for providing hon. Members and the Government with an opportunity to debate these important issues today.

Aviation (Capital Allowances)

1.29 pm

Mr. John Wilkinson (Ruislip-Northwood): It is a great privilege to introduce this debate on the impact on the long-life assets capital allowance provision on British aviation. The subject may sound arcane, but it is of real concern to business owners and operators of civil aircraft in this country, and to those who manufacture or lease them, or provide equipment for their operation, assembly and maintenance—indeed, to many thousands who earn their livelihoods in the British civil aviation industry, not least my constituents who work at Heathrow airport.

I declare an interest as chairman of a very small aviation consultancy company. However, I assure the House that my desire to raise this topic was driven entirely by the strength of the public interest case against the long-life assets provision and my desire not to see British aviation, which is broadly competitive and successful internationally, hobbled by an impost, the inherent contradictions and negative consequences of which have not been appreciated by those responsible for the formulation of fiscal policy.

Parliament's role is to assist British industry and commerce, not to damage it through imperfect knowledge or lack of intellectual rigour. The origins of this overtly discriminatory and selective tax provision go back to the Finance Act 1996, in which the annual rate of capital allowances on types of plant and machinery with a working life of 25 years or more were cut from 25 to 6 per cent. per annum, with the notable exception of ships and railway assets. The provision applied only to businesses that spend more than £100,000 on such assets in any eligible year with effect from Budget day 1996.

Let me anticipate immediately the Minister's reply: that it was a Conservative measure, that the previous Government are to blame for the consequences and that it is hypocritical of me to demand repeal of the provision by the present Government. Such an attitude denies the possibility of improving legislation by parliamentary scrutiny and of governmental rectification of past errors.

A year and a half has passed since the effective date of the measure, during which representatives of the industry, the Society of British Aerospace Companies, the British Air Transport Association, the Aerodrome Owners Association, the General Aviation Manufacturers and Traders Association, and leasing institutions have come together under that repository of professional excellence, the Royal Aeronautical Society, to present their case against the long-life assets provision in meetings with the Inland Revenue and, most notably, with the Secretary of State for Trade and Industry.

To date, there has been not so much a meeting of minds as a comprehension gap between those who work in the industry and those whose job is to try to make illogical tax legislation workable. Nevertheless, I believe that logic should prevail and the Government should introduce the necessary amendment to rescind that damaging provision in the Committee stage of this year's Finance Bill. In a letter dated 7 April to Mr. Roy McNulty, chairman of Short Brothers, the Secretary of State for Trade and Industry not only encouraged the industry to continue to talk to the Inland Revenue, but stated:

"It also goes without saying that my own officials"—

in the Department of Trade and Industry—

"will be pleased to continue to discuss the details of your case with you and your colleagues whenever you wish."

Begotten in distortion and anomaly, the measure was brought forth in inconsistency and illogicality. Indeed, my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) claimed in his Budget speech in the House on 26 November 1996 that it would end

"unjustifiable distortion in the tax system in favour of particular types of business and investment."

However, he added:

"Ships and railways will . . . be exempt".—[*Official Report*, 26 November 1996; Vol. 286, c. 166.]

That was a remarkable non-sequitur.

Explaining that groups spending less than £100,000 a year on such assets will be exempt, my right hon. Friend asserted that it meant that the vast majority of small companies would not be affected. In aviation, that is more fantasy than mere traditional Budget hyperbole. A light training aircraft or helicopter, fully equipped, usually costs more than £100,000, so the tiniest aviation business will be affected. A civil airliner costs tens of millions of pounds, so even the smallest airline will be affected in a big way.

Aviation in Britain is already suffering discriminatory taxation in the form of airport passenger tax, from which ferry and Eurostar railway passengers are exempt. The adverse effects of the European Union's proposed abolition of the duty-free concession, which we were discussing with the Financial Secretary only last week, will not be felt by Eurostar, to which it is not extended. It will be felt by airlines and airport operators and, to a lesser extent, by ferry operators. The railways also receive generous state subsidies, which put them in a favoured position.

The present Chief Secretary to the Treasury grasped the central point at issue during the Committee stage of the Finance Bill on 22 January 1997. He said

"Aeroplanes are, by definition, very mobile. Unlike power stations or water pipelines, they do not have to be in this country. It has been said—although such threats should be taken with a pinch of salt—that some operators might decamp and set up abroad in order to avoid these provisions and, in a global economy, we must of course be very aware of the tax competition issues that may arise".—[*Official Report*, 22 January 1997; Vol. 288, c. 979.]

Quite so. Unfavourable tax regimes in Britain in the post-war decades contributed to the mass migration of the British merchant marine to flags of convenience in the Isle of Man, Panama and Liberia—hardly a happy precedent for British civil aviation in such circumstances.

There is no reason why British owners and operators of civil aircraft should remain within the British fiscal jurisdiction. One need not see the expensive graffiti on the tail of a British Airways aeroplane to realise how international and mobile the airline business is. While the British rate of capital allowances was 25 per cent. on non-time-limited assets, we could compete with, for example, Sweden and Denmark's maximum rate of 30 per cent. Italy's 20 to 25 per cent., which sometimes rises, in inimitable Italian style, to eight times that figure, Belgium's 33.3 per cent., France's 25 per cent. and

[Mr. John Wilkinson]

Germany's rate of up to 25 per cent., to take but six European Union examples. At 6 per cent., it will be very hard for the British to compete. Our rate is way below the global norm in industrialised countries.

A competitive capital allowance rate in the United Kingdom was critical because of the huge subsidies, amounting to hundreds of millions of pounds, disbursed by European Governments to their state carriers, such as Air France, Iberia, Air Portugal, Olympic and Alitalia. We must recognise that long-life aviation assets are not just aircraft. They include the most sophisticated computer-controlled design equipment and machine tools, simulators, air traffic control radars, radio beacons, instrument landing systems—a vast range of items. Revenue officials could be asked to make a judgment, which they are technically not qualified to make, on the life of such assets, which, by virtue of type, utilisation and technical specification, can vary enormously.

An item is a long-life asset if it is reasonable to expect that the machinery or the part will have a useful economic life of at least 25 years. But what is "reasonable"? Are Inland Revenue officials to become prophets? Of 25 main airliner types in the Price Waterhouse and Airclaims report of December 1997, only four had more than 50 per cent. still in service after more than 25 years. The Government have those figures, because they were in a recent submission by the Royal Aeronautical Society to the Secretary of State for Trade and Industry.

Certain consequences are clear. British aviation companies that operate aircraft can move to other EU countries and still serve the United Kingdom market, but from another jurisdiction. Is that what we want to happen? The soundest airlines commercially, which usually have the best safety record, are those with the most modern fleets, such as British Airways, Lufthansa and KLM in Europe, and Singapore Airlines and Cathay Pacific in Asia. The provisions will be a financial disincentive for British airlines to re-equip. We know the dangers of operating geriatric aircraft because of the fatal incidents involving an ALOHA 737 over the Pacific and a United Airlines 747 200, both of which suffered fuselage structural failure. Passengers were sucked into the air in flight. The other recent example is damage to fuel tank wiring found in many high-time 737s following the inspections required after the fatal mid-air explosion of a Trans World Airlines jumbo jet off New York.

An aeroplane's age is not measured in calendar years or in tax years, but in fatigue life and flight cycles. Is the Revenue to measure those? If so, how? Will it carry out an integrity audit on aircraft structures? Will it differentiate between short-haul and long-haul operations on the same type of aircraft, for example Boeing 757s and 767s, which can perform both? What would happen if a carrier interchanged between the two route sectors? It appears that the Revenue will categorise aero-engines as short-life assets, but aircraft are usually bought with engines installed. The value of the power plants is aggregated in the price, although occasionally power can be bought by the hour and individual engines have to be replaced.

The provisions appear to be an incentive to buy an aircraft almost in kit form for assembly by the airline and to claim higher capital allowances on evidently short-life items—not only engines, but tyres, interior seating and furnishings, windscreen wipers and many others. Only the basic structure can be expected to last 25 years, but even that is over-optimistic: many systems are replaced or upgraded during that time and the value of the aeroplane is written down and, under British aviation accounting practice, depreciated in the books over 10, 12, 15 or 20 years—never over a longer period. To base tax allowances on guesstimates of an item's future life is inherently inequitable. The provisions are wholly inimical not only to small aviation businesses—the tiniest flying school will be affected—but to business aviation and manufacturing.

Even the Government's stated objective of fruitful European industrial co-operation could be prejudiced. There have been repeated arguments in Airbus Industrie about the location for the building of airbus wings, which is currently performed by British Aerospace at Chester. Such manufacturing investment and location decisions in Europe are finely balanced. If Britain will not give the balance of fiscal advantage to the British aircraft industry, the nature of aerospace co-operation will ensure that the work ends up in another partner's country, with a consequent loss of revenue and jobs in Britain.

I hope that the Government will rectify a clearly damaging provision. Since it was introduced, British manufacturing industry has moved officially into recession, but the budget deficit has greatly narrowed, so surely we need greater investment incentives. Fiscally, we can afford them. For employment, commercial and competitive reasons, we should be honest and recognise that the effect of the long-life assets provision is damaging in practice and dangerous in principle, inasmuch as it will institutionalise subjective decision making by the Revenue, as its bulletins on the subject show. Revenue officials are no more technically qualified to take such decisions than aerospace engineers are technically or professionally qualified to comment on fiscal and taxation matters, and why should they be?

There is bound to be much litigation, and aviation business will be lost to this country. If the Financial Secretary does not believe me, she should read the Royal Aeronautical Society paper of November 1997 on the implications for the United Kingdom aviation industry of the fiscal changes of November 1996 to July 1997. It is a brilliant paper of irrefutable logic, and, if she will allow me, I shall hand it to her at the conclusion of the debate. If she read it in its entirety, she could only be convinced that what I have argued is borne out by a full examination of the facts, and that the Government should put the situation right forthwith.

1.46 pm

The Financial Secretary to the Treasury (Dawn Primarolo): I congratulate the hon. Member for Ruislip-Northwood (Mr. Wilkinson) on securing this important debate, but he was quite wrong in his forecast of what I would say. I am glad that he pointed out that the measures were introduced by the previous Government: there was a debate on the Floor of the House and many of the points that he raised were covered, although I regret that he was not able to participate.

I share the hon. Gentleman's interest in the aviation industry, beyond my ministerial responsibilities. He will be aware of the importance of the industry to Bristol, for which I am a Member of Parliament. I concede, however, that my knowledge is not as detailed as his—he has

personal experience of the industry. I concur with his points about its importance to the United Kingdom economy and in terms of the development of technology.

I am aware of the United Kingdom aviation industry's concerns about the impact of the long-life assets legislation. The Government have received numerous representations from bodies such as the Royal Aeronautical Society, the British Air Transport Association and the General Aviation Manufacturers and Traders Association.

At the end of the debate, I shall be happy to take the submission offered by the hon. Gentleman. We probably already have it, but, in the spirit of co-operation, I shall respond positively to his suggestion on that matter. I met representatives of the bodies I mentioned in January this year to discuss this matter and I understand that the industry has several distinct areas of concern. These have to be addressed in a logical order.

The first area is the nature of the test to be applied in determining whether the long-life asset rate of 6 per cent. of capital allowance applies. The legislation applies to any asset with an expected useful economic life as an asset of any business of 25 years or more. I listened to the hon. Gentleman's points about the practice of British aircraft companies and how long they would keep an aircraft in operation, but he knows full well that that is not necessarily the end of that aircraft's working life, because the company will sell it on. Therefore, asset life reflects several decisions that the company will make.

Outside the aviation industry, most long-life assets are likely to remain in service in the hands of one owner throughout their economic lives, so the test is easy to apply in most cases. The accounting policy of the business will have to take into account the expected service life of the asset in that particular business; in such cases, the tax treatment will follow whatever accounting treatment is reasonably applied. However, aeroplanes are different: they are likely to be sold in working order and will still have a stretch of useful economic working life after they have left the hands of their first owner. Not only will the expected length of service with the first owner have to be taken into account, but expected subsequent useful life will have to considered.

I entirely accept that the test is a new one imposed by the legislation to which the hon. Gentleman referred, which may create uncertainty and may involve additional costs. However, there is a potential way round those problems of uncertainty and additional compliance costs. The Inland Revenue has been negotiating with representatives of the industry with a view to arriving at an industrywide agreement that would set out which categories of aircraft should be treated as being within the long-life asset rules and which should continue to receive 25 per cent. allowance as before. The most recent meeting held to discuss that was held on 6 May.

As a first step in those negotiations, the industry submitted a claim, supported by a report examining evidence on existing aircraft lives, that no commercial passenger plane can be reasonably expected to have a useful economic life exceeding 25 years. The Inland Revenue is currently discussing that claim with the industry. If the industry is right—this relates to the hon. Gentleman's point about possible amendments to Finance Bills—and an industrywide agreement is reached that no commercial aircraft come within the long-life asset rules, the long-life assets capital allowance rules will have no effect on the British aviation industry. It is incredibly important that that point is first settled by agreement between the Government and the industry.

However, if it turns out that the industry is wrong and the facts do not support the claim that aircraft are not long-life assets, then, and only then, the aviation industry's other areas of concern, on which the hon. Gentleman has touched today and which have been detailed in submissions to the Inland Revenue and in discussions with me, will come into play.

I do not want to prejudge the issue, but, in recognition of the seriousness of the hon. Gentleman's points and my own keen interest in the subject, I have asked the Inland Revenue to press on with its negotiations with the industry to establish whether aircraft do come within the long-life asset rules. Only when we have an answer to the questions whether aircraft are long-life assets and, if so, how many are involved will we be able to gauge the real impact of these provisions on the aviation industry and deal with the other issues raised by the industry.

I assure the hon. Gentleman that, although the rules were inherited from the previous Government and were passed without criticism from Conservative Members at the time, the matter is one which we take seriously. We are pursuing it actively with the industry to ensure a satisfactory conclusion. If, at a later stage, the hon. Gentleman wishes to pursue the matter in correspondence with me, I shall be happy to respond as positively as I can and keep him informed of developments.

It being before Two o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Sitting suspended, pursuant to Standing Order No. 10 (Wednesday sittings), till half-past Two o'clock.

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Killyleagh Yarns

1. **Mr. John D. Taylor** (Strangford): When she was advised by Killyleagh Yarns that it had financial difficulties; when the Industrial Development Board offered a rescue package to Killyleagh Yarns; when she was told of the decision to close the factory in Killyleagh; and what proposals she has made to attract new jobs to Killyleagh. [40679]

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): Herdmans, the company that owns Killyleagh Yarns, has kept the Industrial Development Board informed of the developing international market conditions that led to the decision on 27 April to announce the closure of Killyleagh and Mossley mills. No financial rescue package was offered to the company, as it was considered that that would not have stopped or averted the closure decision. Killyleagh will continue to be marketed as a suitable location for new IDB investment opportunities when they arise.

Mr. Taylor: Over the past 10 days, I have been to Killyleagh twice. As the Minister will appreciate, the village and its people are devastated by the decision. It is a rural village in the southern part of County Down, although it is in the Strangford constituency.

Will the Minister confirm that the closure took place without any prior consultation with trade unions? Will he also confirm that his Department will make every effort to claw back any grants that are due to it for plant and equipment provided for the factory? Will he further confirm that he will make every effort—on the international scene and through the IDB—to attract another company to the premises in Killyleagh, as the present owners are obviously making no effort whatever?

Mr. Ingram: Of course we recognise the impact of the closure on Killyleagh and the surrounding area. It is an important employer, and the loss of any employer of that size clearly has an impact on such a community. Consultation with trade unions is a matter for the company, but I suggest to the company that it is important to consult the work force and the unions. As for grant clawback, if there has been any breach of conditions relating to support given to the company in relation to the closure, we will consider it.

The right hon. Gentleman's last question—an important question—concerned how we would continue to market the area, and try to attract new investment. The initiative announced by the Chancellor yesterday begins the search for new ways to encourage growth in the Northern Ireland economy. If we achieve the right result on 22 May, peace and prosperity can go hand in hand, as the Chancellor said. I am sure that that will offer the best future for areas such as Killyleagh.

Peace Process

2. **Mr. Bill O'Brien** (Normanton): If she will make a statement on the contribution of the European Community to an outcome in the peace negotiations in Northern Ireland. [40680]

10. **Mr. David Hanson** (Delyn): What discussions she is having with the European Union with regard to measures to assist the peace process. [40689]

The Secretary of State for Northern Ireland (Marjorie Mowlam): The European Union played an essential part in the process that led to the agreement on Good Friday. More than £1.3 billion has been given to Northern Ireland from the structural funds, the International Fund for Ireland and the peace and reconciliation programme, allowing 10,000 community groups across the divide to build confidence and trust between them.

Mr. O'Brien: I thank my right hon. Friend for that reply, and join her in thanking the EU for its contribution to the development of peace and prosperity in Northern Ireland. Does she share my view that a substantial number of people in the EU—as in the United Kingdom—want a substantial yes vote in the referendum that will be held in the very near future? Will she tell us a little more about how the EU can develop the prosperity of Northern Ireland, and the peace accord?

Marjorie Mowlam: I join my hon. Friend in acknowledging European support, and I hope and believe that there is a chance for a peaceful future for the people of Northern Ireland and the island of Ireland.

I could go into great detail about the EU's impact, but I will choose just two examples. The money has been given via district partnerships, of which there are 26 in Northern Ireland. Political parties, community groups, trade unions and businesses from both sides of the political divide have sat down to allocate that money, which has proved an important confidence-building measure.

Good examples of how the money has been used are the sort of groups that were represented this morning at the launch of Sir Kenneth Bloomfield's report on victims, entitled "We Will Remember Them". Several such groups, such as WAVE and Lifeline, have been funded by the European Union.

Mr. William Ross (East Londonderry): We are grateful for the sums received from the Common Market, especially the money spent at grass-roots level. We are equally grateful for the expenditure announced by the Chancellor yesterday. But does the Secretary of State also recall that agriculture, the most important industry in Northern Ireland, is suffering grievously from the high value of the pound and the lack of movement on the green pound issue? May we shortly expect an announcement to resolve some of agriculture's financial difficulties?

Marjorie Mowlam: I thank the hon. Gentleman for acknowledging the importance and value of the Chancellor's package, which has been six to eight months in the making. It includes an acknowledgement of the

need to help the beef industry in Northern Ireland—£2 million for the marketing of beef—in the hope that, when the Commission's report and conclusions are eventually published, this crucial market for Northern Ireland can be restored.

Mr. Hanson: Does my right hon. Friend agree that the European Union is in a unique position to support the efforts of the British and Irish Governments to maintain and develop the peace process? Can she give us any details of how the latest 100 mecu announced by the EU will be used in 1999 to support the peace process after the referendum?

Marjorie Mowlam: The 100 mecu which President Santer announced on a recent visit is a welcome and important package—although it is still going through the European Parliament, so nothing is definite yet. The groups funded by the EU are considering how to make community groups sustainable without being dependent on external resources, if the money does not continue to flow in ad infinitum.

Mr. Michael Fabricant (Lichfield): I welcome the EU's financial contribution, which is much needed, but will the right hon. Lady also acknowledge that it is the unique position of the United States of America, which shares a common language, heritage and understanding of the English legal system, that put it in a position to co-chair the peace talks?

Marjorie Mowlam: It is important to acknowledge the significance both of America and the EU—it does not help to play one off against the other. Both have helped tremendously, in terms of markets, investment and direct financial help, to build communities and communication from the bottom up.

Human Rights

3. **Fiona Mactaggart** (Slough): If she will make a statement on the impact of the Belfast agreement on the Government's policy towards human rights. [40681]

5. **Mr. Steve McCabe** (Birmingham, Hall Green): If she will make a statement on the impact of the Belfast settlement on the Government's human rights policy. [40683]

The Minister of State, Northern Ireland Office (Mr. Paul Murphy): The Belfast agreement will enhance the Government's existing commitment to the human rights agenda. In particular, the agreement proposes the establishment of a human rights commission with significant new powers which will extend and enhance the role of the Standing Advisory Commission on Human Rights.

Fiona Mactaggart: I thank the Minister for that reply. I particularly welcome the human rights commission—its job description is set out in the agreement—which is to be a powerful body. However, in all international human rights legislation, the most fundamental human right is the right to life. What action to protect the rights of victims will follow on from today's report?

Mr. Murphy: I thank my hon. Friend for that question. The settlement acknowledged and addressed the sufferings of victims of violence as a necessary element for reconciliation in Northern Ireland, and I pay tribute to Sir Kenneth Bloomfield and to his assistant, Mary Butcher, for producing a moving and thought-provoking report. The Government have set aside some £5 million as a down payment to support practical work among victims, but, as the settlement says, the achievement of peace and a just society would be the best memorial to the victims of violence.

Mr. McCabe: Does my hon. Friend agree that the measures and safeguards on human rights that are outlined in the Belfast agreement are crucial for both traditions in Northern Ireland? How does he hope to take those measures forward following the referendum?

Mr. Murphy: I am grateful to my hon. Friend. The establishment of a human rights commission, an equality commission and a Bill of Rights are all set out in the agreement. They are there to give due respect to the identity and ethos of all communities in Northern Ireland and to pursue parity of esteem. It is right to do that in any event, but it is particularly important as it is an essential part of the settlement. I foresee that the New Northern Ireland Assembly will have a department of equality; it will certainly address these important issues. Like my hon. Friends, I believe that there will be a resounding yes vote for such an assembly in the referendum next week.

Rev. Martin Smyth (Belfast, South): The Minister will be aware that, in 1975, Northern Ireland, through its assembly, recommended a Bill of human rights, saying that, if it was not introduced in this House, a forthcoming Northern Ireland assembly would do so. However, does the hon. Gentleman accept that there is a tendency today to elevate desires and wishes for rights, as long as someone else pays for them? Is there not a need to have rights and responsibilities?

Mr. Murphy: I entirely agree that rights should be matched with responsibilities, but I am sure that the hon. Gentleman will agree that one of the great problems that we have faced in Northern Ireland over the years is precisely that human rights have been in considerable difficulty; it has been a great cause of concern among both communities over many years. I am sure that he will also agree that perhaps the best answer is that the people of Northern Ireland themselves, through their elected politicians, as well as us in the House of Commons, will be able to address the matter in the years ahead.

Kate Hoey (Vauxhall): In welcoming the mention of human rights in the Stormont agreement, I wonder whether the Minister agrees that one of the great abuses of human rights, which is still going on, is the number of punishment beatings, mutilations and appalling atrocities carried out by paramilitaries on both sides? Does he agree that the paramilitaries' outspoken condemnation of such behaviour will be a mark of whether the settlement will really work, and that that is the only way in which we will see a decent society in Northern Ireland?

Mr. Murphy: I agree with my hon. Friend. The Government completely condemn and abhor all so-called punishment beatings and shootings. In a peaceful and democratic society, there is no place for such atrocities.

Only this morning, my right hon. Friend the Secretary of State for Northern Ireland said that the victims commission would look at that very important aspect of human rights in Northern Ireland.

Mr. Andrew MacKay (Bracknell): I warmly welcome Sir Kenneth Bloomfield's excellent report into victims and entirely endorse what the Minister said about the power that we must give to the human rights of victims, but will he give the House an assurance that there will be no repetition of the charade at the weekend when convicted IRA murderers were wrongly allowed out to prance around at Sinn Fein's conference, which was merely a propaganda exercise? I deeply regret the fact that that will harm the yes vote that he and I desperately want from the Province on Friday week.

Mr. Murphy: The hon. Gentleman is right to say that he and I share the common aspiration of ensuring that there is a successful yes outcome in the referendum next week. I am sure that he also agrees that all triumphalism is to be condemned, whether it is the sort we saw last week or anything else.

On the hon. Gentleman's point about letting out prisoners, he knows that that also occurred under the Conservative Government and previous Governments. It is an integral part of the agreement. However, I accept that it is important that people understand that it is not helpful to the settlement to have triumphalism in any shape or form.

Mr. MacKay: With great respect to the Minister, although he and I may agree that, at times, there may be humanitarian reasons for letting out prisoners under strict supervision—for example, to attend funerals or to see a seriously ill member of their family—there is no excuse for letting out prisoners to go to a party conference as a propaganda exercise. Will he assure us that that will never happen again?

Mr. Murphy: I envisage no circumstances in which that would happen again, because I hope that there would be no need for it. What I want in Northern Ireland—in common with everyone in the House—is a peaceful society based on political stability. The only way in which we can achieve that is to vote next week, in overwhelming numbers, in favour of the agreement that was made by all the parties sitting in Belfast on Good Friday.

Mr. Harry Barnes (North-East Derbyshire): Is not the basic human right on which all human rights are based the right to vote? Was not the hon. and learned Member for North Down (Mr. McCartney) correct in 1996 when he said, and I paraphrase, that, if a referendum were agreed by all the people of the island, it would have unique constitutional and moral authority and, most of all, enable the republican movement to renounce force without diminishing its political goal? If that was correct in 1996 and correct today, is it not a pity that the hon. and learned Gentleman no longer supports that position?

Mr. Murphy: I obviously regret the position taken by the hon. and learned Member for North Down, but hon. Members must make up their own minds on how they vote and what they support in the coming referendum. I believe that everyone in Northern Ireland wants a society based on the principles of non-violence and democracy, and the only way to achieve that is by supporting the agreement in the coming referendum.

Unemployment

4. **Mr. Roy Beggs** (East Antrim): If she will make a statement on the present level of unemployment in Northern Ireland. [40682]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. Tony Worthington): There has been a decrease of 4,000 in the number of unemployed over the year and the current unemployment rate is 8 per cent. I know that the hon. Gentleman will want to welcome my right hon. Friend the Chancellor's package of £315 million, which is an investment in jobs and in prosperity. It means £200 for every man, woman and child in Northern Ireland.

I know that the hon. Gentleman has especially welcomed the money spent on the improvement of the Larne to Belfast route, for which he has campaigned over the years. It is an important instalment in our investment in jobs and prosperity for Northern Ireland.

Mr. Beggs: I thank the Minister for his reply, and welcome the continuing fall in unemployment. The Chancellor's announcement should contribute to further economic growth and prosperity in Northern Ireland.

Does the hon. Gentleman agree that the measures put in place by the Government to raise school standards and skill levels and to encourage the young, the unemployed and the disabled to become equipped for employment, together with the investment that they have made in life-long learning, will be successful only if the disadvantaged take the opportunities now available to them fully to realise their own potential?

Mr. Worthington: We believe that the right way to achieve growth and prosperity is to ensure that the peace process works. My right hon. Friend the Chancellor is backing that, and we want every hon. Member to back it. If we use the springboard of my right hon. Friend's package and ally it to a positive vote in the referendum next week, the prospects for Northern Ireland will be very good indeed.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): On the subject of unemployment, is my hon. Friend aware that it is important not to lose existing jobs? Will he therefore confirm that the Coastguard agency is concerned that the search and rescue service, currently carried out by helicopters from Aldergrove, will not lose jobs after the agreement or be subjected to different terms and conditions, as that would not be acceptable to the service?

Mr. Worthington: I shall bring the matter to the attention of Lord Dubs, who is responsible for it. I know that my hon. Friend will want to welcome the investment in roads and other infrastructure—such as the Larne road, the Toome bypass, the Westlink and Fermanagh airport—all of which are creating, and will create, valuable new jobs.

Mr. Eddie McGrady (South Down): May I place on record the thanks of the people of Northern Ireland for

the Chancellor's £315 million package, which I hope will go a long towards alleviating unemployment? May I draw the Minister's attention to the fact that, in 1997, the Chancellor announced the creation of 5,000 jobs—few, if any, of which came to south-east Ulster? Many of the targets set in the Chancellor's recent statement will affect only the Greater Belfast area and north-west Ulster.

I therefore urge that new financial enhancement initiatives be created for south-east Ulster, such as that described in the answer on Killyleagh—which is in south-east Ulster—to the right hon. Member for Strangford (Mr. Taylor) by the Minister of State, the hon. Member for East Kilbride (Mr. Ingram). Special incentives are required to encourage relocation to and inward investment in the area.

Mr. Worthington: I draw the hon. Gentleman's attention to the Belfast-Newry road, which cost £15 million and will be of considerable assistance to the area. I should also mention the fact that about £65 million will be invested in skills and in people in Northern Ireland. That investment will go into south-east Ulster, as it will go into every area of Ulster.

Royal Ulster Constabulary

6. **Mr. John Wilkinson** (Ruislip-Northwood): If she will publish the terms of reference for the review of the Royal Ulster Constabulary. [40684]

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): The terms of reference for the independent commission on policing are given at annexe A to the Belfast agreement, a copy of which is available in the Library of the House. The independent commission offers a sensible, informed way of examining an extremely important issue.

Mr. Wilkinson: Will the hon. Gentleman, on behalf of the Government, give a clear and unequivocal pledge that, during the life of this Administration, no individual who has a record of conviction for any terrorist offence will be admitted to serve in the Royal Ulster Constabulary?

Mr. Ingram: Yes.

Mr. Phil Willis (Harrogate and Knaresborough): One of the results of the peace process—which I hope will be concluded successfully—will be a very significant reduction in the number of RUC officers. Does the Minister agree that many of those officers have served the Province, at great personal expense, exceedingly well? What action is the Minister and the Northern Ireland Office taking to make proper transitional arrangements ensuring that those officers, as they move out of the RUC, are properly resettled?

Mr. Ingram: That is a complex matter, which is predicated on an assumption with which I do not necessarily agree—that there will be an early downsizing or reduction in the RUC force. Any likely reduction will be phased, and based on an assessment of the threat level at a particular time. Last week, the Prime Minister announced £4.5 million for a rehabilitation and training trust, which was the beginning of a package of measures targeted on the RUC to deal with the very issues raised by the hon. Gentleman.

Mr. Jeffrey Donaldson (Lagan Valley): The Minister will be aware of the formation last week of a new terrorist organisation, called the Real IRA. Is he aware of the significant defections from the Provisional IRA—including, last week, three senior members of the Provisional IRA, one of whom is an experienced bomb maker? Given that continuing threat of violence—as the people of Northern Ireland continue to need the protection of the Royal Ulster Constabulary against the men of violence—does he agree that it would be foolish to tamper with the RUC in the proposed manner, to inhibit the RUC's anti-terrorism role or to undermine the RUC's morale?

Mr. Ingram: The threat level is still high. There is still a very significant security threat within Northern Ireland, which is recognised not only by all right hon. and hon. Members but, more important, by the people of Northern Ireland, who have to face that threat. Those who daily face the threat—the men and woman who serve in the RUC and put their lives at risk to protect the rule of law—also have to be afforded our protection. I give an absolute assurance and guarantee to the hon. Gentleman that there will be no tampering with the RUC while that threat level remains.

Mr. Malcolm Moss (North-East Cambridgeshire): What are the Government doing to prevent any further erosion of the morale of serving RUC officers? Will the Minister assure the House that, whatever the outcome of the deliberations of the commission, there is no place in the United Kingdom for sectarian community policing or two-tier policing?

Mr. Ingram: I have already answered the last part of the hon. Gentleman's question in my response to the hon. Member for Ruislip-Northwood (Mr. Wilkinson), who asked a similar question. We are dealing with morale in the RUC, which is why we are addressing directly the issue of rehabilitation and training and why we have already announced a package of measures in that connection. Of course, we are in close discussion with the Police Federation and the Superintendents Association to consider how a fundamental review, for which the Chief Constable has responsibility, could be implemented at some point in the future. We are in close consultation with representatives of the RUC, and that will continue.

Prisoners (Release)

7. **Mr. Geoffrey Clifton-Brown** (Cotswold): If she will make a statement on the conditions contained in the Belfast agreement concerning the release of prisoners convicted of terrorist offences on licence. [40686]

8. **Mr. Andrew Hunter** (Basingstoke): If she will make a statement on the Belfast agreement's provisions for the release of prisoners. [40687]

The Secretary of State for Northern Ireland (Marjorie Mowlam): I referred in my statement to the House on 20 April on the Belfast agreement to the

accelerated releases which were part of that overall package. The release of prisoners will be considered on a case-by-case basis by an independent body. It is not a general amnesty. Prisoners will be released on licence and recalled to prison if they support an organisation engaged in terrorism or if they engage in terrorism themselves. Prisoners affiliated to groups that continue to engage in terrorism will not be given early release; nor will those who are considered to be a serious risk to the public. We consider those to be crucial safeguards.

Mr. Clifton-Brown: Given that some of these prisoners who might be released on licence still might have a significant proportion of their sentences for serious terrorist offences to serve, does not the Secretary of State think that it is wholly necessary—indeed, that it should be a precondition—that the authorities do everything they possibly can to ensure that these prisoners have genuinely renounced violence and any organisation to which they belong that espouses violence?

Marjorie Mowlam: I have no difficulty agreeing with the hon. Gentleman. Prisoners have to have renounced violence and anything else that is not part of a democratic, constitutional way forward. They will not be released unless that has happened. They will be released on licence and can be recalled—they are the crucial safeguards which show that there is a commitment to a peaceful way forward.

Mr. Hunter: What does the right hon. Lady regard as the moral justification for early release? Surely it undermines the rule of law and amounts to capitulation to the threat of terror. How can lasting peace and political stability emerge from an agreement which in part relies on murderers to act as its ambassadors?

Marjorie Mowlam: I accept that lasting peace is what we are looking for. Equally, I accept that it is a difficult, complex problem. As I said in answer to the previous question, it is part of an overall agreement. I know that the hon. Gentleman understands that more than most. He, too, has been to the Maze and talked to prisoners. He, too, put forward schemes a couple of years ago, saying that we should look at the early release of prisoners who are members of organisations maintaining a credible ceasefire. I hope that he understands that it is not easy. Others have tried: when the previous Government examined this issue, they changed the remission system, and they had 240 prisoners out before we took over government.

In addition, if the present scheme continued, without our introducing any change to the previous Government's scheme, half the prisoners would be out in two years anyway. These schemes were not changed during the Canary Wharf breakdown or during the breakdown of the ceasefire.

Mr. Kevin McNamara (Hull, North): Is my right hon. Friend aware that we all appreciate the pain felt by members of both communities at the prospect of the release of prisoners? We also realise the important part that prisoners from both communities play in seeking to achieve peace and in the Belfast agreement. It must be recognised that, painful though it is, it is necessary and proper in respect of reaching agreement, and that the terms and conditions set out by my right hon. Friend will properly and effectively achieve equity for all concerned.

Marjorie Mowlam: There is no doubt among hon. Members, many of whom have friends who have suffered at the hands of terrorism in Northern Ireland on both sides of the divide. I spent this morning with the families of victims who had been killed or injured. No one can underplay the pain and suffering of those families. As I said in the House on 20 April, it is not an easy part of the package or of the Good Friday agreement, but, on balance, the political parties of Northern Ireland have signed up to it.

PRIME MINISTER

The Prime Minister was asked—

Irish Referendums

Q1. [40709] **Dr. Norman A. Godman** (Greenock and Inverclyde): When he last met the Taoiseach to discuss matters relating to the referendums being conducted in Northern Ireland and the Irish Republic.

The Prime Minister (Mr. Tony Blair): The Taoiseach and I last met on 2 May. Obviously, we speak regularly on the phone. We fully agree that the Good Friday agreement represents new hope and, indeed, the only way forward for the people of Northern Ireland.

Dr. Godman: May I offer my sincere compliments to my right hon. Friend the Prime Minister and to the right hon. Member for Huntingdon (Mr. Major) for their remarkably successful visit to Northern Ireland last Wednesday in support of the yes campaign? I am confident that my right hon. Friend will continue to support the courageous stance of the right hon. Member for Upper Bann (Mr. Trimble). Will he give an assurance that the suffering and pain of all the victims of the troubles will be acknowledged and addressed by the Government? He will know of the moving testimonies that we heard this morning in response to the Bloomfield report. Northern Ireland needs a resounding yes vote next week, but the victims of the suffering need an assurance from the Prime Minister this afternoon, and that is what I seek from my right hon. Friend.

The Prime Minister: I thank my hon. Friend for all his work over a long period. I am happy to join him in thanking the right hon. Member for Huntingdon (Mr. Major) for coming with me to Northern Ireland last week. I also thank the other political parties for their support and help. I warmly welcome Sir Kenneth Bloomfield's report and his 20 recommendations on acknowledging the suffering of victims of violence. We have already made it clear that Government funding of some £5 million is available to take effective action on the report. The victims of violence have suffered enormously. We do not forget their suffering. I believe that the peace agreement provides the best way forward to ensure that there are not more victims in future.

Mr. David Trimble (Upper Bann): The Prime Minister will know that the recent behaviour of Sinn Fein-IRA has

increased concern in Northern Ireland that it will take the benefit of inclusion in the assembly and prisoner release without accepting the matching obligations to show by its actions, including decommissioning, that there is a genuine peace. Will he make it clear that those obligations, which are clearly set out in the agreement, will be made effective and reflected in forthcoming legislation?

The Prime Minister: Yes—I intend to make it clear that the commitment and the obligations in the agreement must all be fulfilled and that no one can choose to fulfil some parts of the agreement and not others. Especially after the events at the weekend, it must be clear and demonstrated, as the right hon. Gentleman has pressed me on many occasions to make clear, that if people are to take their places on the Northern Ireland Executive and participate in the provisions on prisoner release, we must be sure that violence is given up for good. We must demonstrate that clearly.

Mr. William Hague (Richmond, Yorks): I echo the words of the right hon. Member for Upper Bann (Mr. Trimble). Like the Prime Minister, we are anxious to achieve a substantial yes vote in the referendum next week and we continue to join him in doing everything possible to bring that about. Does the right hon. Gentleman agree that that is not made easier by the release of hardened IRA murderers to strut around at the Sinn Fein conference at the weekend? Will he ensure that there will no further episodes of that kind?

The Prime Minister: My right hon. Friend the Secretary of State for Northern Ireland has already made that clear. I entirely agree with the comments that have been made by many people, not least the Irish Taoiseach, who said that he totally condemned the triumphalism that we saw on our television screens. However, I still believe that the agreement is the right way forward, and I am grateful for the right hon. Gentleman's support. Let me make it clear that the agreement must be taken as a whole; it is one package—it cannot be divided up—and all the provisions must be met in full.

Engagements

Q2. [40711] **Mr. Nick Hawkins** (Surrey Heath): If he will list his official engagements for Wednesday 13 May.

The Prime Minister: This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

Mr. Hawkins: The Prime Minister spent over an hour in the House last week explaining the problems of the European summit by saying that Mr. Duisenberg had intended the result of the agreement that was reached. What is his reaction to the fact that, later last week, Mr. Duisenberg gave a completely different version of events?

The Prime Minister: I shall settle one matter once and for all: I am told that it is pronounced "Doysenberg", although I am well aware that I added somewhat to the confusion in my answers last week.

Mr. Duisenberg has not given a version different from mine. The position is precisely as I set it out last week. He has said that he intends to go early, but that he is not obliged to do so. That is the point of principle that meant that the discussions continued for 10 or 11 more hours. We made it clear that that point had to be agreed, and it has been agreed. I remind the hon. Gentleman that Conservative Members were saying that the deal would wreck the stability of the financial markets. As in so many other matters, they have been proved completely wrong.

Q3. [40710] **Mr. David Crausby** (Bolton, North-East): The new deal is clearly a tremendous opportunity for unemployed young people, but it must not be allowed to become a substitute for apprenticeships. Will my right hon. Friend assure me that the funding that is available for training apprentices and school-leaving trainees will not be adversely affected by the new deal?

The Prime Minister: It will not be adversely affected. I am happy to tell my hon. Friend and the House that, as a result of the provisions, the number of people on modern apprenticeships is up to more than 100,000, which is an increase of more than 50 per cent. since last year. The new national traineeships that we are implementing and the new deal will mean that, over the next few years, hundreds of thousands of young people will be given their first chance to get high-quality skills, high-quality education and a decent job.

Mr. William Hague (Richmond, Yorks): Has not the spectacle of the past week at the Foreign Office been yet another shambles presided over by the Foreign Secretary? Now that the Prime Minister has had a couple of days to reflect, does he agree that Foreign Office officials knowing of a possible breach of a UN arms embargo and not informing the Foreign Secretary for seven weeks is more than just "overblown hoo-hah"?

The Prime Minister: No is the answer to both those questions. There may have been a lot of hype in the media and on the Opposition Benches, but we have the matter fully in perspective.

Mr. Hague: The Prime Minister calls it "a lot of hype". A UN arms embargo sponsored by this Government has apparently been broken by a British company. A Minister has misled a Select Committee of the House of Commons. A Minister did not ensure that he had the facts before he took part in a House of Commons debate. The Prime Minister does not think that that is important because he has nothing but contempt for the House of Commons. He hardly ever comes to the House of Commons—except on Wednesday afternoons. What instructions has the Prime Minister given the Foreign Secretary to ensure that he gets a grip on his Department and does not repeat the fiasco?

The Prime Minister: I should point out one little fact to the right hon. Gentleman. I have made more statements in the House than my predecessor did in the year before the election—and answered more questions.

I think that I have finally discovered why the Tory party is so upset. We are accused of having helped a democratically elected regime. That is the Tories' problem. When it comes to gun running to Iraq, they are

all right. I do not regret a single word that I have said about this. I described it as overblown hoo-hah and that is what it is.

Mr. Hague: It seems that the Prime Minister has given no new instructions to the Foreign Secretary and that he has taken no action about what happens in the Foreign Office. We know that, in this Foreign Office, telegrams go missing even while the Foreign Secretary is appearing on the BBC 2 documentary "How to be a Foreign Secretary", in which he said:

"I have recognised that you can be a successful Foreign Secretary if you focus on the big questions and not necessarily . . . finish the paperwork."

Is not it time that the Prime Minister gave the Foreign Secretary some new instructions about the running of his Department? Should not we have an inquiry—held in public, not behind closed doors—so that we can all see how the Foreign Office is run?

The Prime Minister: Absolutely not is the answer. The Foreign Secretary does not require lessons on how to be the Foreign Secretary. It is the Leader of the Opposition who requires lessons—on how to be Leader of the Opposition. If he is really good to me, I might tell him—but I doubt he would learn.

Mr. Hague: No one will be impressed by the extraordinary complacency of a Prime Minister who takes no action on the Foreign Office and who has refused in the past few moments to hold a public inquiry. Is not the Foreign Office being run like a Dad's Army outfit, by a Foreign Secretary who combines the pompousness of Captain Mainwaring, the incompetence of Private Pike and the calm of Corporal Jones? Now that the Foreign Secretary has blundered in and out of the middle east peace process, offended the entire Indian sub-continent and been called two-faced by an heroic Chinese human rights activist, should not even the Prime Minister conclude that Britain deserves a better Foreign Secretary?

The Prime Minister: As I said a couple of days ago and as I said in the House last week, if people have deliberately breached the UN arms embargo, that is wrong. The policy on which I expected the Foreign Office to have focused over the past few months was one of restoring a democratically elected regime in Sierra Leone over a military junta that was put there by a coup d'état. I find it remarkable that, in a week that has seen a really important and difficult foreign affairs issue—nuclear testing by India—riots in Indonesia and problems in Kosovo, the right hon. Gentleman gets up and asks what might impress a sixth-form debating society but does not impress me.

Q4. [40712] **Dr. Alan Whitehead** (Southampton, Test): Does the Prime Minister share the sinking feeling that I had on reading the Rail Regulator's latest report, with its catalogue of fines for lateness and short trains—including a massive £405,000 fine on South West Trains, my local rail operator? Does he share my anger that that is still happening despite all the promises that the Conservative party made at the time of privatisation? Will he assure me that he is working towards a better system of rail regulation through the strategic passenger authority, which I believe is forthcoming?

The Prime Minister: We warned the previous Government that the way in which they were privatising the public railways would end up in precisely the present situation, with many people feeling that their services have deteriorated although their fares have gone up. However, I am pleased to be able to tell my hon. Friend that help is on the way. The forthcoming transport White Paper will address those issues specifically and ensure that the regulatory flaws that we inherited from the previous regime are corrected.

Mr. Paddy Ashdown (Yeovil): One might ask who sold the Indonesians the water cannons. [HON. MEMBERS: "They did."] Yes, Labour did; that was their ethical foreign policy. As for Sandline, is it not clear that the Government have now settled on what might be termed the Thomas à Becket defence—"We wanted that to happen but we specifically did not ask for it to happen"? In foreign affairs, one has from time to time to do good things by less than perfect means, but was it not rather cack-handed of the Government to hope for covert action in support of President Kabbah while passing legislation to make that illegal in Britain, and at the same time pretending that the whole thing was part of an ethical foreign policy?

The Prime Minister: No. Let me again make it clear for the right hon. Gentleman. There should be no breach—no deliberate breach—of the UN arms embargo. That should not happen in any set of circumstances; neither have we ever sought to say that it should. However, what is absurd about the situation is the fact that the context in which help was being provided was one in which we were deliberately, as a matter of policy, giving every help that we could to the democratically elected regime. Of course that should happen, within the law. All that I can say is that so far we have had allegations that the law has been broken, but no proof or evidence.

Mr. Ashdown: Can the Prime Minister and I at least agree on this: despite his sincere intention to do things differently, on this occasion his Government have become the second Government to be entangled in a controversy about illegal arms? The conclusion is simple: the systems are wrong, even if the intentions are not. It is time that we started to institute a more effective mechanism for the scrutiny of arms sales. May I make two propositions? The first is that we should establish a public register of arms brokers and arms sales so that we can see who sells what to whom; the second is that we should establish a proper system of parliamentary oversight and scrutiny of the whole matter.

The Prime Minister: I simply dispute the premise of the right hon. Gentleman's questions, which is that we knew what was happening but let it go on because the ends justified the means. We have never said that, and that is not the case. There is no shred of evidence in anything that I have seen that Ministers connived at such a policy. We all know what has actually happened here. Perhaps I should say something candidly to our friends and colleagues in the media. They have had six days of this matter rolling round the news schedules and on the front pages of all the newspapers. That is their prerogative, those are their priorities, but what is the priority for the Government is my priority and my prerogative. The fact that they decide that something is of huge importance does not mean that it is.

Q5. [40714] **Mr. Phil Woolas** (Oldham, East and Saddleworth): Does my right hon. Friend agree that the clothing and textile industry is vital to many communities, including my constituency, and is important to our national economy? Is he aware that the all-party parliamentary group on clothing and textiles has recently been re-established, with support from all parts of the House, with a strong membership and with a free subscription? Does he agree that the many clothing and textile companies that depend on exports in one of the most fiercely competitive markets in manufacturing require above all else a stable currency in which to succeed?

The Prime Minister: I agree with my hon. Friend and congratulate him on the work he has done to establish the all-party group on clothing and textiles. The textiles industry is one of the largest manufacturing sectors in the United Kingdom, with sales of more than £17 billion. We are putting in place a strategy that will help companies operating in that sector and others, not least by cutting corporation tax to its lowest level ever, by improving the tax system for small businesses, by investing more in skills and education and by ensuring that we do not return to the boom and bust years of the Conservatives.

Q6. [40715] **Mr. Gerald Howarth** (Aldershot): How can the Prime Minister claim credit for the outcome in Sierra Leone when he says that he did nothing to bring it about?

The Prime Minister: I am not saying that we did nothing: we did a great deal to bring it about. We sent HMS Cornwall down there on a humanitarian aid mission and we appointed a special representative to help President Kabbah. We have helped Sierra Leone with aid and with money for schools, hospitals and transport. What we have not done is help Sierra Leone with arms. That is the difference. At some point, Opposition Members might wake up and understand the difference between helping a democratically elected regime properly and helping improperly. I know that they will not understand the difference, but we do.

Ms Gisela Stuart (Birmingham, Edgbaston): Today, President Clinton is in Berlin to mark the 50th anniversary of what was undoubtedly the greatest victory by the west and the allies in the post-war period: the breaking of the Berlin blockade. Can my right hon. Friend tell the House how the Government will honour those RAF service men and women who played a vital role in breaking that blockade? How will we pay tribute to that selfless campaign?

The Prime Minister: My right hon. Friend the Secretary of State for Defence will attend the allied museum opening ceremony in Berlin with his French and American counterparts. The Queen's Colour Squadron, RAF aircraft and bands will participate in various events planned for the coming months to commemorate the 50th anniversary of the airlift. In addition, I understand that the Department of Trade and Industry, the Ministry of Defence and the Post Office are actively discussing issuing a set of commemorative stamps. We shall play a full part in those celebrations, which are rightly being held around the world.

Q7. [40716] **Mr. Geoffrey Clifton-Brown** (Cotswold): How can the Prime Minister spend an hour in the House last week arrogantly trying to convince hon. Members that the whole Sierra Leone incident was nothing but hoo-hah when he knows perfectly well that Her Majesty's Customs and Excise is conducting a serious inquiry involving criminal charges relating to Sierra Leone?

The Prime Minister: Customs and Excise is conducting an investigation into whether a company has breached a particular order. That investigation must take its course—no one has ever suggested anything different—but I am afraid that I do not share the view held by the hon. Gentleman and his right hon. and hon. Friends that there is evidence that Ministers have engaged in some great conspiracy to run arms to Sierra Leone. There is no such evidence.

Q8. [40717] **Mr. David Winnick** (Walsall, North): Is my right hon. Friend aware that my constituent, Stephen Long, was held for a number of years by the Japanese and treated in a cruel and degrading manner in defiance of all the conventions regarding prisoners of war? Is it asking too much for the present Japanese authorities—perhaps through the emperor—to make a full apology for the terrible treatment of allied prisoners of war by the Japanese? I am far from being anti-Japanese or anti-German—I have no reason to be—but if successive post-war German Governments have apologised for what the Nazis did, why can the Japanese not apologise also? Why should they not do that very quickly so that people such as my constituent can hear that apology in their lifetimes?

The Prime Minister: Of course I sympathise with the sentiments behind by hon. Friend's question. He will know of the words spoken and written by the Japanese Prime Minister a short time ago. We must never—and will never—forget, or indeed forgive, the suffering of those people. We in no way diminish our respect for their suffering by saying that we are pleased that today we have a new and different relationship with modern Japan. We shall continue to remember them because they deserve to be remembered.

Q9. [40718] **Mr. David Prior** (North Norfolk): Does the Prime Minister believe that, over the past year, our relationships with India, the middle east and west Africa have been handled by the Foreign Secretary with great distinction?

The Prime Minister: Yes.

Ms Jenny Jones (Wolverhampton, South-West): This week, the Indian Government resumed nuclear testing. Furthermore, the tests took place in a particularly politically sensitive area of the sub-continent. Will my right hon. Friend use the United Kingdom presidency of the European Union and his influence with other world powers to ensure that the condemnation of the Indian Government is worldwide?

The Prime Minister: We have already expressed our deep concern at the nuclear tests carried out by the Indian Government—today, we called in India's ambassador to express that concern directly to him. It is extremely

important that we ensure that the non-proliferation treaty is sustained. We urge restraint by surrounding countries, particularly Pakistan. The nuclear tests are deeply disturbing; they inevitably diminish our chances of producing the safe world in which we all want to live.

Q10. [40719] **Sir David Madel** (South-West Bedfordshire): Yesterday, leaders of the Edison project said that the Government had assured them that a company could run an education action zone for profit, yet the National Union of Teachers has said that it has had a commitment that that will not be allowed. Which of them is right?

The Prime Minister: As I understand it, companies will be allowed to participate in the education action zones and to make a profit if they are successful. If companies are involved in education action zones—I suspect that this may be the reason for the difference between the two positions—they must abide by the rules on the way in which schools and education authorities are run. Moreover, zones are run under the aegis of the education authority, so although nothing disturbs whether the company is profitable, companies will not make profits out of the schools.

Ms Beverley Hughes (Stretford and Urmston): Does my right hon. Friend agree that school truancy and exclusions, which rose so greatly under the previous Government, are now a serious issue, not least because they are strongly associated with subsequent poverty, crime and underachievement? I welcome the announcements that have been made this week, particularly the targets of reducing truancy and exclusion by a third. Will he assure the House that schools will receive the wherewithal to reintegrate young people, both for their own good and for the good of the community in which they live?

The Prime Minister: My hon. Friend will know that we have put additional resources into schools and that more investment will come. However, it is important that the investment is tied to reform. Thirteen thousand children are permanently excluded, and 100,000 children are temporarily excluded, from school every year, but the package that we announced on truancy and exclusions will make a significant difference. It will give the police powers to pick up children who are playing truant, and it will impose new responsibilities on parents. Equally important, it will also ensure that children who are excluded are not left with two or three hours' schooling a week—so that they roam the streets or do whatever they like for the rest of the time—but are put in a structured setting where they will receive a proper education.

Q11. [40721] **Mr. Simon Hughes** (Southwark, North and Bermondsey): As the Prime Minister prepares for the G8 summit in Birmingham on Saturday, will he reflect on the fact that the Jubilee 2000 campaign for the cancellation of debt in the poorest countries in the world—representing about 1 billion people—is hugely more popular than the Government's proposal to commemorate the millennium by building a dome at Greenwich? I offer him a way out of his dilemma and a way in which to make the dome far more acceptable. Will he call for the papers on the desk of the Chancellor of the Exchequer that propose using the dome as a place where individuals, companies and the public sector, with the Government, can sign up to a package of practical proposals that would cancel the debt that is owed to Britain? Will he also recommend similar proposals to the other countries of the G8?

The Prime Minister: As the hon. Gentleman may know, there has been a series of meetings about proposals to encourage debt relief. My right hon. Friend the Chancellor has suggested mechanisms to allow people to give more money in charity to the developing world and has led the way in new proposals for debt relief. We will discuss those matters at the G8, and we are well aware of the Jubilee 2000 activities over the weekend. The people involved obviously want us to do more to help the developing world. We are considering how we can make progress, and in the communiqué that we eventually issue, if it is as I hope it will be, there will be concrete measures to bring relief to the countries concerned.

Q12. [40722] **Mr. Gareth R. Thomas** (Harrow, West): Is my right hon. Friend aware that, following last Thursday's council elections, my constituents in Harrow have the advantage not only of a Labour Government but, for the first time, of a new Labour council? Will he congratulate those people who voted Labour on Thursday on helping to end an incompetent and inept Liberal Democrat administration that cut school budgets yet, in line with the windy hypocrisy of the right hon. Member for Yeovil (Mr. Ashdown), continually tried to shirk responsibility for that action?

Madam Speaker: Order. The hon. Gentleman accused another Member of Parliament of being a hypocrite. He must rise now and withdraw that remark.

Mr. Thomas: I apologise, Madam Speaker. I withdraw that remark.

The Prime Minister: I send my congratulations to all my hon. Friend's colleagues in Harrow who achieved such a marvellous result, and to all those who have helped to ensure that people will get not only prudent finance but decent public services under a Labour council.

BILL PRESENTED

Registration of Political Parties

Mr. Secretary Straw, supported by the Prime Minister, Mr. Secretary Prescott, Mr. Chancellor of the Exchequer, Secretary Margaret Beckett, Mr. Secretary Dewar, Mr. Secretary Davies and Mr. George Howarth, presented a Bill to make provision about the registration of political parties: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed [Bill 188].

School Transport

3.31 pm

Dr. George Turner (North-West Norfolk): I beg to move,

That leave be given to bring in a Bill to make new provision with respect to home-to-school transport for pupils in maintained schools; to provide for the payment of grants to defray the costs incurred by local education authorities, and for connected purposes.

My Bill would require the Secretary of State for Education and Employment by regulation to direct local education authorities to prepare and submit school transport plans, having undertaken appropriate consultations. Such plans would set out for each authority proposals for funding and organising transport for the pupils for whom the authority provides education, having taken into account any relevant factors, which would not be restricted but would have to include distance, safety and charging policies. All such plans would be within a framework to be set by regulation.

Each local education authority's plan would then be subject to approval by the Secretary of State, who would also be able to modify them. Regulations would include provision for payment by the Secretary of State of grants to local education authorities to defray the relevant costs. Those regulations would themselves require approval by each House of Parliament.

The law in respect of home-to-school transport has remained substantially unchanged for more than 50 years. Without question, there have been many changes in society over that time, and it is now widely accepted by those who implement the law that the time is right for it to be reviewed.

Although amended in detail and consolidated, the current law is still in essence based on the Education Act 1944. It links provision of transport with the issue of school attendance, which is currently receiving so much attention. The law states that parents have a defence against failure to fulfil their legal responsibility to ensure that their child is educated if they live a certain distance from the nearest appropriate school—two miles for children up to the age of eight, or three miles for older children—and the authority has not provided free transport.

The distances involved—described in the legislation as "walking distances"—are based on assumptions that must have originated in the 19th century about what could be considered a reasonable distance for a child to walk to and from school accompanied by a parent. Compulsory education has been substantially supplemented by a number of Governments, particularly the present one, to include nursery and sixth-form provision, and post-16 college education, none of which are covered by the legal requirements of free transport.

Inside those distances, responsibilities for ensuring that children attend school rests with parents, and any provision beyond the legal minimum is entirely at the discretion of local education authorities, which may meet all, part or none of any costs involved.

In recent years, many authorities—including mine in Norfolk when I was chairman of the education committee—that have exercised such discretion have been withdrawing services and introducing or increasing charges to parents, most notably those of post-16 students. As we approach the 21st century—not the 19th—the concept of walking distance as originally defined is simply no longer appropriate. The need to review it is reinforced by the many problems that arise as a result of the variety of charging mechanisms that are now in place. Changes in charges have done much to highlight perceptions of unfairness that always exist when there are strict cut-off points: a parent who lives 2.99 miles from school must pay; one who lives 3.01 miles from school need not.

Any review envisaged by my Bill would need to take full account of the many changes that have taken place in society and its use of transport since 1944. There have been major increases in the number of vehicles on the road and in their usage, so that roads have become more dangerous. The provision of public transport has been declining dramatically in many cases, particularly in rural areas. More pupils live further from school—a trend emphasised by parents' additional rights to express a preference regarding the school that their child attends.

For many reasons, parents are less willing to allow their children to be unaccompanied outside school. The changes in the provision of home-to-school transport have led to many parents undertaking the infamous "school run". At peak times during school terms, as many as one in five journeys undertaken are to take children to or from school. A truly integrated look at our transport policy could only be enhanced by the introduction of measures designed to reduce such car traffic substantially. Any review of school transport must encourage local authorities to ensure that provision is made to encourage pupils to walk or cycle safely to school, and for appropriate alternatives to the private car wherever reasonable.

The Bill will ensure that the varied needs of individual localities are taken into account. The needs of inner cities will differ from those of rural counties. It is envisaged that Ministers will encourage wide consultation, appropriate partnership arrangements and the funding of innovative schemes as we modernise home-to-school transport for pupils.

The Bill also deals with the vexed issue of funding, but although it is hoped that additional funding will be available in due course, it is not specifically required. Local education authorities currently receive support for their transport expenditure through the vagaries of the so-called "sparsity factor" within the complicated rate support grant mechanism. The Bill would replace that mechanism with a much more transparent grant and would also provide a funding mechanism for approved innovation or experimentation—much like the action zones for school standards. There has been widespread support in local government for a review such as that proposed by my Bill, which has the general support of the Local Government Association.

I hope that my Bill will contribute significantly to Government policy on road traffic reduction, help us to meet our international commitments on global warming made at Kyoto and make our towns and cities better places to live—but it must also ensure that journeys to school remain safe. Despite popular misconceptions, the recent study by the Association of Transport Co-ordination Officers and the passenger transport executive group shows that school journeys are not more

[Dr. George Turner]

dangerous than other journeys undertaken by pupils and that travel by car, rather than being safer, is far more dangerous than travel by bus.

We must look to partnership to deal with issues of home-to-school transport, achieve safety measures for cyclists so that cycling becomes much safer—it is the most dangerous way for children to travel to school—and discourage the use of cars, which are 50 per cent. more dangerous than the amount of pupils they carry would suggest.

The funding mechanism must be tackled. In my county of Norfolk, the money spent on transporting children to school is enough to buy computers for every pupil entering primary school and to replace them with new computers when they enter secondary school. Local education authorities have tried to reduce payments for school transport as they address the Government's agenda of raising school standards. Understandably, the Department for Education and Employment, too, does not want money to move from the classroom to transport.

Through increased petrol taxes, the Government have done much to irritate rural dwellers who have no alternative to using a car. The Government, through a different funding mechanism and by spending to reduce road traffic through the Department of the Environment, Transport and the Regions, could ensure that the money was properly spent. I commend my Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Dr. George Turner, Mrs. Linda Gilroy, Mr. Stephen Pound, Mr. Anthony D. Wright, Dr. Ian Gibson, Mr. Martin Linton, Mr. Phil Willis, Mr. Bob Blizzard, Mr. David Drew, Mr. Cynog Dafis and Mr. Charles Clarke.

SCHOOL TRANSPORT

Dr. George Turner accordingly presented a Bill to make new provision with respect to home to school transport for pupils in maintained schools; to provide for the payment of grants to defray the costs incurred by local education authorities, and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 3 July, and to be printed [Bill 189].

SOCIAL SECURITY BILL [*MONEY*] (No. 2)

Queen's recommendation having been signified—

Resolved,

That, for the purposes of any Act resulting from the Social Security Bill, it is expedient to authorise the payment out of money provided by Parliament of any expenditure incurred under the Act by the Commissioners of Inland Revenue.—*[Mr. Kevin Hughes.]*

Orders of the Day

Social Security Bill

Lords amendments considered.

3.42 pm

Mr. Oliver Letwin (West Dorset): On a point of order, Madam Speaker. The financial memorandum was issued before the Lords considered the Bill and contains figures in tens of millions. Since then, the financial effects have increased and the sums involved will be between £1.3 billion—and, if the amendments are accepted—at least £2.6 billion greater. Could you instruct me how the Government should proceed under such circumstances?

Madam Speaker: The matter that the hon. Gentleman has raised is not a matter for the Chair. The financial implications of the Bill are a matter for the Government. The hon. Gentleman can seek to catch my eye to put those points to the Minister at the appropriate time.

Clause 6

LORD CHANCELLORS PANEL FOR APPOINTMENT TO APPEAL TRIBUNALS

Lords amendment: No. 1, in page 3, line 41, at end insert ("and

(c) in relation to Scotland, the Chief Medical Officer of the Scottish Office.")

The Parliamentary Under-Secretary of State for Social Security (Mr. Keith Bradley): I beg to move, That this House doth agree with the Lords in the said amendment.

Madam Speaker: With this, it will be convenient to discuss Lords amendments Nos. 2, 4, 7, 8, 98, 100, 101 and 113.

Mr. Bradley: The amendments change the provisions relating to appointment of persons to the panel to act as members of appeal tribunals. The Bill currently provides for the Lord Chancellor and the Lord Advocate each to appoint a separate panel under clauses 6 and 7 respectively. The effect of the amendments is that the Lord Chancellor will be responsible for the appointment under clause 6 of a single panel for the whole of Great Britain.

The amendments were prompted by the introduction of the Scotland Bill, which interacts with the operation of clause 7. Under the provisions of that Bill, there will be some changes to the role of the Lord Advocate. It is possible that the Lord Advocate, as a Minister in the Scottish Executive, might have functions similar to those which he currently exercises in relation to tribunals; however, the position will not be clear until after Scottish devolution has taken place. At that stage, the UK Government may consider transferring a Scottish Minister the function of making appointments to a panel in relation to Scotland, through provisions in the Scotland Bill for the further transfer of functions.

We consider it important to have clarity in responsibility for the appointments and to preserve the independence of the panel and appointments to it.

We have concluded that it would not be right to retain clause 7 in the knowledge that the functions it lays on the Lord Advocate would be removed through another Bill currently before Parliament. I commend the amendments to the House.

Mr. John Swinney (North Tayside): I have listened carefully to the Minister's speech and read the various notes on the clauses and the amendments, but I do not fully understand why the Government believe it necessary to make such a change.

If I heard the Minister correctly, he said that, once the Scottish Parliament and the Scottish Executive were functioning fully, it was either likely or possible for the power of appointment to be repatriated to a Minister who may be a member of the Scottish Executive. As I understand the Scotland Bill, the powers of the Lord Advocate in general will not be dissimilar to the powers of the Lord Advocate today, yet the Lord Advocate is to be stripped of an important power to make appointments to a tribunal.

That raises the issue of more power haemorrhaging, on a temporary basis, to the Lord Chancellor's Department, and I wonder to what extent there will be enthusiasm for the power being repatriated to the Scottish Executive at some stage in the future. Once power has moved in one direction, it is hard to imagine it moving back to the Scottish Executive. I should be grateful for some explanation from the Minister on that point, and specifically on the process to be used by the Lord Chancellor's Department to ensure that the input that the Lord Advocate can clearly bring to the appointments process will be assured while the arrangements change.

It is a point of interest and importance that, during the passage of the Scotland Bill, the Government resisted amendments that I tabled with the support of many voluntary organisations, which were designed to devolve to the Scottish Parliament the power of administering various aspects of social security. I stressed the importance of ensuring that a Scottish perspective was brought to the process of administering social security in Scotland.

For example, the House has often debated the weaknesses of the administration of the benefit integrity project, and I should have thought that a Scottish perspective would bring tighter administrative processes to that project. I do not understand why the Government fiercely resisted my amendments then, given that we are now faced with proposals in the Social Security Bill to take more power away from one of the Ministers who may be a member of the Scottish Executive and who could act to secure Scottish interests.

I seek clarification. I fear that an important power currently exercised by the senior Law Officer in Scotland may not be exercised by the Scottish Executive, and the temporary hiatus is unsatisfactory.

Mr. Bradley: It would not be appropriate to repeat all the arguments advanced in debates on the Scotland Bill. Let us stick to the point that we are discussing. We are trying to ensure clarity during the interim period until the proper functions and arrangements for transferred functions in the Scotland Bill have been finally clarified. We do not want any delays or problems in the appeal system in the meantime, and we want to ensure its continued independence.

Mr. Simon Burns (West Chelmsford): The Minister says, "until the powers and functions have been clarified." What is the stand-by position if clarification does not work out in the way that I assume the Minister expects?

Mr. Bradley: It is not our intention that the arrangements will not work out. We cannot hypothetically guess what would happen if something else does not happen.

Mr. Burns: Will the Minister give way?

Mr. Bradley: No. This is a small point, and I want to make progress.

I take the point made by the hon. Member for North Tayside (Mr. Swinney) about the Lord Advocate's being made aware of, and involved in, discussions, and I shall write to the hon. Gentleman on it. We want to ensure a smooth transition of functions. Agreeing with what was universally agreed in the Lords will advance that process, and ensure that there is no confusion. I hope that that satisfies the hon. Gentleman, but I shall consider his point and ensure that he receives a written explanation if the arrangements that we intend to introduce will, in any way, undermine the Lord Advocate's opportunity to be involved in discussions.

Lords amendment agreed to.

Lords amendment No. 2 agreed to.

Clause 8

CONSTITUTION OF APPEAL TRIBUNALS

Lords amendment: No. 3, in page 4, line 20, at beginning insert ("Subject to subsection (1A) below,")

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Madam Speaker: With this, it will be convenient to discuss also Lords amendments Nos. 5, 6, 9 and 108.

Mr. Bradley: Lords amendments Nos. 3 and 5 are about the legal qualifications of tribunal chairmen or members. Concerns were expressed in Committee, and in other places, about the proposal that not all tribunals needed a legally qualified member. It was suggested that only a lawyer would have the skills and experience necessary to conduct the hearing of an appeal.

The Government believe that a number of appeals could be determined by an appropriately trained person who does not have formal legal qualifications, but we want to adopt a pragmatic approach, and to introduce new, more effective and efficient arrangements for handling appeals. We have reconsidered both the kind of appeal that could be dealt with by a single, non-legally qualified panel member, and the administrative arrangements for selecting such appeals. We found that fewer than 5 per cent. of appeals could be dealt with in that way, and concluded that there would be no benefit in introducing such an arrangement at present, as the estimated number of cases is very small.

[Mr. Bradley]

We have decided that, at least for the time being, the practicalities suggest that there is a case for retaining lay members on all tribunals. We may wish to reconsider the position following welfare reform and the introduction of simpler benefit structures, when it is possible that more cases would be suitable for determination by panel members without formal legal qualifications.

Lords amendments Nos. 6, 9 and 108 clarify issues of detail concerning regulations—also in response to anxieties expressed here and in another place. Amendment No. 9 stipulates that regulations shall be made to provide for

"the composition of appeal tribunals; (b) the procedure to be followed in for allocating cases among differently constituted tribunals; (c) the manner in which expert assistance is to be given"

to the tribunals.

As I said in Committee, it has always been the Government's intention to make regulations to provide for these matters; the amendments simply do so in the Bill. I remind the House that regulations made under clause 8(3) will be subject to the affirmative resolution procedure. I commend the amendments to the House.

Mr. David Rendel (Newbury): As the Minister might expect, I am delighted with the amendments, and I fully support what he is doing. We said in Committee that it might not be obvious at these appeals that legal points might be about to be raised, so I am pleased that Minister now accepts that many cases may involve legal implications, and that the cases which do not are so few and far between that it is not worth the risk of leaving out legally qualified people.

It has always seemed to us likely that time and money would be saved by putting someone with legal qualifications on every panel. I still believe that to be true, and it seems that the Minister now more or less agrees. Even in Committee, the Government accepted that it was important that legal advice should be available at all times. The amendments are the obvious and logical conclusion of what they said then.

In Committee, my good and hon. Friend the Member for Northavon (Mr. Webb) said:

"The Bill will make it possible for a single person to decide a social security appeal. Although the Minister has assured the Committee that that person will be 'a decent chap or chapess', there is no requirement that he or she have legal qualifications . . . it is possible that the person who comprises a single-member tribunal will have no legal qualification."

Despite what the Minister has said today about including the requirement in the Bill, it is worth reminding the House of what he said in Committee:

"We do not accept that qualification requirements of tribunal members should be in primary legislation."—[*Official Report, Standing Committee B*, 4 November 1997; c.154-56.]

I am delighted that the Minister has reversed what he said in Committee, and proud that my party made the point at the time.

Mr. Nigel Waterson (Eastbourne): I, too, welcome the amendments. It is also a great pleasure to see the Minister in his place, reminding me of many pleasant hours spent in Committee. As he rightly said, concerns were expressed there and elsewhere about this point—and I was one of those who expressed them. The Minister used the phrase "adopting a pragmatic approach", for which read "U-turn". I assume that that is the new spin doctor's term for a U-turn, and I look forward to the phrase appearing with dismal regularity throughout the rest of today.

I had written down the phrase "a listening Government", but it seems that that hoary old chestnut has been put out to pasture—*[Interruption.]* I do not believe that the Minister actually used the phrase today, although it is perhaps so deeply embedded in his psyche that he thinks he did. At any event, we heard it used a great deal in Committee. It is just a pity that the Minister did not listen to us on this particular point.

In Committee, the Minister was adamant that this was not the right way to go, but he left himself a small escape hatch by saying that the Government might have to revisit the issue following welfare reform. We know that that is a very long way off yet so we need not dwell on that at great length today.

The Minister touched on the question of the affirmative resolution procedure. He is right to say that we will come to that in much more detail later.

It is worth revisiting the Committee stage, when members of both Opposition parties not only put their views on the question of a legally qualified member or members of an appeals tribunal, but prayed in aid the views of several independent organisations. The Law Society was one. In its brief on the subject, the Legal Action Group said that it was

"opposed to the proposed change to the composition of tribunals, which would be a retrograde step."

It went on to commend the present practice of a legally qualified chair.

4 pm

In Committee, on Report and on Third Reading, the Opposition pressed the Government hard on the point that it was unacceptable for an appeal to be heard by a one-man tribunal who did not even have to be legally qualified. There was quite a long debate on the subject. The Minister remained courteous but absolutely adamant on the subject. He said that the proposed amendments to clause 8 would

"undermine one of the Government's key objectives—that of introducing an efficient and responsive appeals service".

Mr. Letwin: While my hon. Friend is expanding that extremely important point, let me ask him this. Does he agree that it would have been helpful if the Lords had brought forward amendments on what must have been 120 or so other subjects about which the Minister was equally adamant; I am thinking of all the occasions when we drew attention to excessive regulatory powers and he explained that it would be against the spirit of the Bill to make any changes?

Mr. Waterson: My hon. Friend is exactly right. On any number of issues, the Minister stuck to his brief like glue, presumably for fear of something worse. There are some matters before us today on which we genuinely welcome his change of mind. It is a pity that we had to go through the entire Committee stage, and, indeed, other stages of the Bill's proceedings before that change of

mind occurred—but we must not be churlish, and we must recognise that, on this issue, if not on others, he has got it right in the end.

The Minister went on to say in Committee:

"We do not accept that qualification requirements of tribunal members should be in primary legislation."—[*Official Report, Standing Committee B*, 4 November 1997; c. 158.]

That is very clear. He did say at one point that he would reconsider matters, but, after an intervention from the hon. Member for Northavon (Mr. Webb), he made it clear that it was a question of doing so not in drafting any amendments to the Bill, but in drafting the regulations.

Therefore, it seems that the Minister has done a U-turn—or adopted a pragmatic approach, to use the correct language—on two issues in this instance. One is the need for the matter to be dealt with in the Bill itself, and the other is the central principle of legally qualified members of tribunals.

The matter went to another place, which carried out its historic function of revising legislation. There, for reasons that remain a mystery to Conservative Members of this House, the Government did finally see sense. In answer to an amendment that was moved by Lord Archer of Sandwell, the Government accepted that at least one of the members of a tribunal should be legally qualified.

As Lord Archer of Sandwell said in his speech on the Bill:

"at least one member of the tribunal shall have such a quality, leaving it to the president to decide who should take the chair on any specific occasion",

making it a somewhat compromised proposal, but that found favour with the Government in the other place.

There was a helpful contribution from Baroness Anelay about her experience as a member of tribunals for some 14 years. She said:

"Social security law is notoriously complex".

I think that all right hon. and hon. Members agree with that, given the sort of problems with which we regularly have to deal at our advice surgeries and in our mail bags.

It fell to Lord Hardie to accept the proposals in the other place. As he said:

"the Government have concluded that, for the time being at least, there is a case for the retention of lawyers on all tribunals."—[*Official Report, House of Lords*, 20 April 1998; Vol. 588, c. 948-52.]

That was after discovering, after all this time—and as the Minister has acknowledged—that only about 5 per cent. of all cases heard by all tribunals can be dealt with by a one-man tribunal who is not legally qualified.

The Minister was good enough not to use the phrase "the listening Government". The Government had every opportunity to listen at the time. As the Minister said in Committee, the Government

"wish to get the Bill into the public domain and to use the period between Second Reading and the Committee stage to listen to the views of interested parties and ensure that corrections and changes are made so that they can be properly debated in Committee."—[*Official Report, Standing Committee B*, 28 October 1997; c. 20.]

That was a pious hope; the present change has been made very much at the last minute.

I want to make a couple of points about another matter that is the subject of one of the amendments—the curious distinction between "shall" and "may". We had some debates about that in Committee, on one instance at my behest. We pointed out the strange wording in a number of different parts of the Bill. The Minister then said:

"I have a small comment about "may" and "shall". I am assured that this is the normal way of drafting regulations in the Bill; there is no sinister intention behind it."—[*Official Report, Standing Committee B*, 4 November 1997; c. 192.]

Yet both in this and in later clauses, such as clause 13, the drafting has been changed to "shall". We might as well have saved our breath. I would be interested to hear from the Minister who is now assuring him that this is the normal way to draft these matters.

In the other place, Lord Hardie argued that the change was necessary to

"make clear that regulations shall be made, to provide for the composition of tribunals."—[*Official Report, House of Lords*, 20 April 1998; Vol. 588, c. 961.]

That was precisely the argument advanced by the Conservatives in this House, but again it was ignored by the Government.

Having said that, we welcome the amendments, which have our support.

Mr. Keith Bradley: There is obviously some disappointment that I did not make it clear that we are a listening Government, so I put that on the record now. As a result of that listening, there is universal support for the amendments on both sides of the House.

Lords amendment agreed to.

Lords amendments Nos. 4 to 9 agreed to.

Clause 9

DECISIONS BY SECRETARY OF STATE

Lords amendment: No. 10, in page 5, line 29, after ("138(1)(a)") insert ("or (2)")

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Madam Speaker: With this, it will be convenient to discuss Lords amendments Nos. 11, 14, 44 and 173.

Mr. Bradley: These are all technical amendments. Amendment No. 10 would ensure that there continue to be rights of appeal against decisions on cold weather payments and winter fuel payments.

Amendments Nos. 11 and 44 would replace "decision" with "revision" to clarify when references are being made to revised, rather than original, decisions.

Amendments Nos. 14 and 173 are technical amendments, which would move provisions formerly contained in clause 12(2) of the original print of the Bill—now renumbered clause 11—into section 16(5) of the Industrial Tribunals Act 1996. The provision to be inserted into the 1996 Act is a re-enactment of section 58(4) of the Social Security Administration Act 1992—the Administration Act.

I commend the amendments to the House.

Mr. Simon Burns (West Chelmsford): We are grateful, as ever, to the Minister for that brief but comprehensive explanation of the amendments. Listening to him, one would have thought that these were, as he said,

[Mr. Simon Burns]

straightforward, drafting, consequential amendments. If the Minister had read the Lord Advocate's comments in the other place, he would understand that there is a little more—although not a lot—to these amendments than meets the eye. However, in this era of spin doctors, he wants to gloss over that fact.

I shall not detain the House for long in speaking about the certainty of the need for Lords amendments Nos. 10 and 14. However, I believe that the amendments typify the Government's slapdash approach to the Bill. As the Minister has plainly stated, the amendments are simple and straightforward, and ensure the maintenance of current rights of appeal against decisions on cold weather payments and winter fuel payments. The amendments are therefore perfectly reasonable propositions, with which I do not think any hon. Member would disagree.

Nevertheless, the question must be asked: why were the provisions not in the original Bill? The answer is quite straightforward, although the Minister certainly will not give it to us. In the Mandelson school of spin doctoring, anything that the Government do that is wrong or slapdash is to be airbrushed out of existence, followed by a spin to minimise any embarrassment to the Government. The answer, which is straightforward, is that the Government plainly and simply forgot to include the payments in the list of relevant benefits. That was an extraordinary oversight.

The Government's approach to the amendments was—as I said, and as our consideration of subsequent groups of amendments will show—typical of their general approach to the Bill. The need for the amendments is but an episode in a long-running saga of mistakes, slip-ups and incompetence, which have been typified by administration of the winter fuel payment scheme announced last November by the Chancellor. Although the Minister will not find it terribly palatable, the need for this group of amendments demonstrates the problems in the Government's approach.

One problem, for example, is that 40,801 out-of-date cheques were sent to pensioners, who tried to cash them at their local post offices, but could not. Pensioners living in residential homes who should not have received a cheque received one. To compound the problem, pensioners who quickly cashed their cheque will be allowed to keep the money, whereas those who did not cash their cheque will be penalised by having to return it.

There have been problems in determining the payment amount—£10 or £20—that pensioners should receive. My constituents have written to me about that problem, as I am sure that other constituents across the country have written to their hon. Members. I realise that Ministers are embarrassed by such problems, which show that, in their rush to impose the scheme, they have acted negligently and not properly thought through the scheme. They have been caught making some crass mistakes.

Nevertheless, we welcome the fact that, as the Lord Advocate said in another place, the Government have at least had the nous to spot the mistake before the legislation is passed—thereby avoiding not only the need for further legislation to deal with the problem, but further problems with the legislative timetable in this Session.

Lords amendments Nos. 11 and 44 deal with the thorny issue of the difference between "decision" and "revision". The issue is probably more important to aficionados and to those who have taken the time to read the Bill than it is to those who are not and have not. We dealt with the issue in Committee, and I am pleased to note that the Government—as they have been forced to eat humble pie—are prepared to make the amendments.

In Committee, we made the point on the difference between the two words. The Minister assured us that there was no need to do anything about it, because the Government had got it right. They have now accepted that there is a need to change the Bill's wording, which is the purpose of Lords amendments Nos. 11 and 44. In the words of the Lord Advocate, the amendments are simply to improve or correct minor errors in the drafting of the Bill.

I see that the new line from Millbank tower is to emphasise the fact that the Government are a listening Government. The Minister never fails to use that soundbite whenever possible. I have to tell him, in the nicest possible way, that if he really believed that and did not simply pay lip service to the concept to keep the Minister without Portfolio happy, he would have listened—*[Interruption.]* I can hear what the Under-Secretary of State for Social Security, the hon. Member for Southampton, Itchen (Mr. Denham) said; there is no need for him to be quite so cruel. If the Minister were genuinely prepared to listen, he would have listened to the points that we made time and again in Committee and would have tabled amendments at that stage, which would have saved the House's time today.

I can reassure the Minister by saying that, because the amendments merely redress Government mistakes and slip-ups, we have no intention of opposing them. We welcome the fact that the Government are correcting their own mistakes prior to the legislation reaching the statute book. However, as the Minister would not answer our questions in Committee, I suggest that the next time he has the satisfaction of being in Committee, he listens more carefully to the Opposition's valid points and accepts them then, instead of wasting time on the Floor of the House to correct the Government's mistakes.

4.15 pm

Mr. Swinney: I hope that the Minister appreciates how difficult it is being on the Opposition Benches when one has to follow the line of argument pursued by the hon. Member for West Chelmsford (Mr. Burns)—it is often terribly challenging.

At various stages during the passage of the Bill, the sense has been abroad that the appeal rights of people entitled to benefits were being compromised. I think that the Minister will agree that that sense has prevailed and that it causes enormous concern to people who depend on particular forms of benefit. I am sure that we have all received representations from such people. Whether a conspiracy involving Millbank tower, Mandelson or anyone else is at the root of the problem, I appeal to the Minister to ensure that legislation is designed in such a way that it takes into account the anxieties felt by various groups of people who are dependent on benefits, and does not cause the unease that has been experienced in recent months.

Mr. Keith Bradley: The crucial philosophy behind the Bill is to ensure not only that people retain their right to

appeal but that they get justice much more speedily than the current system allows. One of our constituents' biggest anxieties is the length of time that they have to wait for their appeals to be heard. Another is the lack of opportunity to clarify genuine mistakes and errors or to have a second look at the benefit calculation or entitlement at an early stage.

The purpose of the Bill is to streamline the process without denying people their rights during that streamlining process. The amendments ensure that that element, which had been omitted from the Bill, is now included. Again, we have listened, and are ensuring that the Bill is as clear as possible.

I commend the amendment to the House.

Lords amendment agreed to.

Lords amendment No. 11 agreed to.

Clause 11

DECISIONS SUPERSEDING EARLIER DECISIONS

Lords amendment: No. 12, in page 6, line 29, leave out ("subsection (3)") and insert ("subsections (3) and (3A)")

The Parliamentary Under-Secretary of State for Social Security (Mr. John Denham): I beg to move, That this House doth agree with the Lords in the said amendment.

Madam Speaker: With this, it will be convenient to discuss Lords amendments Nos. 13, 72 and 103.

Mr. Denham: Members of the Standing Committee that considered the Bill will recall that I announced on 25 November last year our intention to introduce this measure, but it may be helpful if I explain exactly what it will do.

When a company owes a contributions debt and fails to pay the debt in full, there will be an investigation to see whether the failure to pay the debt is due to the negligent or fraudulent behaviour of any or all of the directors or officers of the company. If it is, the Secretary of State may decide to transfer the debt and any associated penalty to the directors personally.

During discussions in another place, peers of all parties supported the principles behind the measure. The Government are determined to stamp down on the minority of dishonest business people who defraud the national insurance fund of money that funds benefits for their own employees and other benefit claimants and pensioners.

It is clearly essential that a power to transfer large debts to individuals should be accompanied by a robust appeal system. The clause provides for that, and I am pleased to draw the House's attention to the fact that, following discussions in another place, the Government amended the original drafting of the clause to strengthen the appeal arrangements. In particular, the Bill now states clearly that the onus of proving guilt will fall on the Secretary of State. A tribunal considering an appeal will undertake a complete rehearing of the facts.

We intend that the measure will be used primarily, although not exclusively, to catch phoenix-type directors who deliberately and repeatedly fail to pay contributions—and usually PAYE tax—and then put the company into insolvency, having made a personal financial gain.

The measure demonstrates the Government's determination to clamp down on business fraud. It will help small, honest businesses by tackling the unscrupulous minority who cheat both trade creditors and the Government of moneys owed. We cannot tolerate money that belongs in the national insurance fund to pay people's benefits ending up in the pockets of fraudulent directors.

I hope that hon. Members on both sides of the House will fully endorse the amendments. I commend them to the House.

Mr. Letwin: Perhaps I have been asked to speak from the Front Bench on this important matter because the House is so full.

In common with Liberal Democrat Members, we wholly support the aim of trying to do something serious about phoenix companies, although most of the action that needs to be taken against such companies is not in the Bill, but in other measures. We accept that there is an issue to be addressed in respect of contributions, tax and debts to trade creditors and others, and that action needs to be taken to ensure that moneys that are owed are recouped.

However, the Minister took a slight liberty with exactitude when he suggested that, in another place, members of all parties supported what he described as the principles behind the group of amendments. In particular, I refer to amendment No. 72. Lengthy speeches were made by my noble Friends and by Lord Goodhart on behalf of the Liberal Democrats explaining exactly why the principles behind the amendment are repugnant to us and to the deepest principles of British jurisprudence. Today, we intend to establish the principles that we consider to be of the utmost importance to the legislation and generally.

The problem is well illustrated by the remarks by the Under-Secretary of State for Social Security, the hon. Member for Manchester, Withington (Mr. Bradley) who said in respect of the previous group of amendments that the Government's aim—which we accept is an admirable one—was to streamline the process without denying the rights of individuals. Amendment No. 72 does exactly the opposite: it tramples over individual rights.

In the context of phoenix companies, which have caused so much public concern, it is understandable that there should be an urge to legislate effectively. However, it is not right that the House should legislate in a way that ignores the proper rights of individuals, even in addressing a gross abuse.

The most signal phrase in amendment No. 72 is in what would become section 121C(1)(b) of the Social Security Administration Act 1992. It states that, in order for the Secretary of State to take action, it must appear to him that the failure in question is

"attributable to fraud or neglect".

In another place, Lord Goodhart gave an extraordinarily clear and powerful description of the amendment's effects. He said:

"the amendment is, I believe, plainly incompatible with the European Convention on Human Rights and therefore with the Human Rights Bill".

[Mr. Letwin]

He specifically referred to article 6 of the European convention, which provides:

"In the determination of his civil rights and obligations . . . everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

Lord Goodhart went on accurately to describe the streamlined process, to which the Minister referred, that would be created by amendment No. 72. He asked:

"What happens under clause 63?"—

now clause 64. He continued:

"First, the Secretary of State, through members of her staff, investigates the reason for the company's failure . . . Secondly, the Secretary of State, through another member of staff, concludes that the failure has been due to the fraud or neglect of a director".

Lord Goodhart did excessive justice to the phrasing in the clause, because the Secretary of State needs to conclude only that it appears that there was fraud or neglect. He said:

"There is no provision for any kind of hearing before that conclusion is reached. Thirdly, a personal liability notice is served on the director who is found culpable who becomes liable to pay contributions to the Secretary of State."

Lord Goodhart summarised the situation poignantly when he said:

"The Secretary of State is the plaintiff, the prosecutor and the judge. There is no independent and impartial tribunal."

Lord Haskel attempted to rebut the remarks made by Lord Goodhart and my noble Friend Lord Higgins, and his remarks have strange echoes for many hon. Members on both sides of the House who attended to what was said when the Child Support Agency was set up and to what has been said on many occasions about administrative practice.

Lord Haskel said:

"Decisions in these cases will be taken by a specialised unit".

How reassuring. How could anything go wrong if a specialised unit is to make the decisions? Lord Haskel said that the unit

"will have the necessary training and expertise to deal with the issues involved."

To within two words, those are the words spoken by another Minister in another place who was explaining why the CSA would be sure to get all its actions right.

Lord Haskel said:

"I emphasise that these are not entirely new areas of work for the Contributions Agency . . . Secondly, a decision will be made only after all the relevant facts have been fully investigated."

How frequently we find that the vast apparatus of the social security system achieves perfection in ensuring that a decision is made only after all the relevant facts have been fully investigated. Presumably that is why there are no errors in the CSA's activities, why the Benefits Agency has no Members of Parliament submitting cases to it and asking for facts that have not been fully investigated to be examined afresh and why, in short, the system is perfect. Following that grand assurance, Lord Haskel said:

"I hope that this reassures your Lordships that we will be taking all reasonable steps".

The long and short of it is that, in another place, a senior advocate, who is also the Liberal Democrat spokesman, raised a serious question about the compatibility of amendment No. 72 with the European convention on human rights, which the Government are enacting. Lord Haskel, speaking for the Government, replied that we should be reassured that there would be no human rights problem because the decisions would be made by a specialised unit after all the relevant facts were known and the administrators could be relied on to protect human rights. Nobody in this House could possibly accept that as an adequate rebuttal of Lord Goodhart's points, which were echoed by my noble Friend Lord Higgins.

If we look deeper and ask whether a legal explanation of the compatibility of the amendment with the European convention on human rights was given, I fear that we find no greater assurance. Lord Haskel told the other place:

"So far as concerns the European Convention on Human Rights, we have discussed the matter . . . and with officials . . . We are satisfied that the clause meets the Government's obligations".—[*Official Report, House of Lords*, 23 April 1998; Vol. 588, c. 1277-80.]

That was the last thing he had to say on the matter. Despite the fact that there were two meetings outside the other place between representatives of Opposition parties and the Government, and despite the fact that Lord Goodhart made a learned, long and forceful speech about the matters, all the Government did was state that they were satisfied—without answering the logic—that the amendment would be compatible with the European convention and to laud the administrative practices.

4.30 pm

It may be asked—indeed, hon. Members who want to retire for tea or supper probably are asking—why on earth the Opposition should be going on at such length about such a matter. I shall explain. We are dealing with a case of personal liability. Ostensibly, it concerns a civil penalty. Indeed, Madam Speaker—Mr. Deputy Speaker, I do apologise—on various occasions, the Government have made much of the fact that the penalty is a civil one. However, it is a very strange kind of civil penalty.

When a phoenix company or a purportedly phoenix company collapses and fails to pay a contribution that it owes, the director or directors—the amendment allows for an extension to the manager or managers—may be charged an amount that forces that person into bankruptcy and is out of all proportion to the gain that he could conceivably have made from acting on behalf of the phoenix company, unless there was a further fraud of a vast extraction of funds from the company.

There could be cases in which it appears—I stress the term—to the Secretary of State that there has been a fraud or neglect, to which I shall return, in which the director responsible for the neglect, or who appears to the Secretary of State to have been responsible, has benefited from his directorship of the phoenix company to the tune of, shall we say, £20,000 or £30,000, and finds himself faced with a penalty, with compound interest, of £200,000, £300,000 or £400,000. That does not strike me—I very much suspect that it would not strike any hon. Member—as an ordinary civil penalty. It has all the appearance of a criminal penalty.

The crucial constitutional difference, Madam Speaker, between a civil penalty and a criminal penalty, about which we in the House ought to be concerned, is that a criminal penalty is an attempted deterrent. I apologise, Mr. Deputy Speaker. I have not meant to call you Madam Speaker throughout. I had it so firmly fixed in my mind

that Madam Speaker, with all her majestic presence, was in the Chair. I shall try to refrain from addressing her hereafter.

The attempt is not one to allow one party in a civil case to recapture a loss from another party. It is an attempt by the state to create a deterrent against an action that the state believes—and we all accept—is a fraud and wrong, if it has been genuinely conducted in such a way.

The Government have, in effect, accepted that the act and penalty are criminal ones; there is no other reason why they should have instituted an appeal process in which, as the amendment specifically states, the burden of proof is on the prosecution. One would not see that in ordinary civil litigation, but, of course, we would in the tradition of British criminal justice. The Government virtually admit—and certainly ought to admit—that this administrative action relates to a criminal or near-criminal penalty for what is effectively a criminal act.

There is a particular problem, because when the Secretary of State takes such a director not to court but to an administrative tribunal that the Secretary of State has set up, he or she is trying to show that tribunal that neglect has occurred. If the neglect is shown to have occurred, the effective criminal penalty can be levied.

That is an extraordinary state of affairs, because neglect is a highly charged and difficult term and concept. Even in the case of an ordinary, honest company, it is difficult to be sure whether what a particular director has done is neglectful or otherwise. However, it would be easy to argue that there was neglect, as long as one was arguing it before a tribunal that was not especially acute in its legal judgments.

I admit that there has been—thank the Lord—a concession, a listening, by the Government.

Mr. Burns: A climbdown.

Mr. Letwin: I would not want to be as aggressive as to describe it in those terms, but the Government have listened to our argument that at least one legally qualified person should be on the tribunal panel. However, I fear that their listening has not been profound, because no provision has been made for all members to be judges or otherwise legally qualified. It could be that two of the three are not legally qualified.

What is going on? The Secretary of State, through an administrative action, is taking to an appeal tribunal constituted by the Secretary of State—a tribunal two of whose members may not have legal training—a person who is liable to be subject to what is, in effect, a criminal penalty, without a jury. The Secretary of State must then persuade the appeal tribunal that that person should be subject to the criminal penalty because he or she is guilty of the highly vexed charge of neglect, on which even a court with a judge and jury might—indeed ought to—find it difficult to decide.

I fear that what we have here is something different from a streamlined process that does not deny the rights of individuals. There is indeed streamlining—that is the admirable side of the case—but it is a streamlining which I fear rides roughshod over deep principles of British jurisprudence.

Miss Julie Kirkbride (Bromsgrove): I am interested in what my hon. Friend says, but those of us who have not followed the Bill in as much detail as he has would like to know what the position is at present, how directors of phoenix companies are dealt with, what the change is with regard to the Secretary of State's powers, and who sits on the tribunal. My hon. Friend has gone into some detail about those things, but I am afraid that, at the moment, I am still a little uncertain about the precise arrangements.

Mr. Letwin: My hon. Friend asks some important questions, and I can best answer them by referring her to the straightforward and simple amendment that Lord Goodhart suggested in the other place. It shows clearly both what the current position is and how it should be changed. Lord Goodhart simply suggested that the word "appears" should be replaced by the word "is". That would force the matter before a court, which is exactly where it would currently lie, and where it ought to lie.

In the end, a court ought to decide criminal penalties and whether the actions alleged to have occurred did occur. A court should decide whether the person in question is sufficiently culpable to be adjudged to deserve a criminal penalty, if the action itself is adjudged to have occurred.

That is all we are asking for—a little bit of listening on the spot. We did not see much of that in Committee.

Mr. Waterson: A pragmatic approach.

Mr. Letwin: How right my hon. Friend is; a pragmatic approach is all we ask—a slight change of wording, which must already have been considered by Ministers and officials, because it was proposed in another place. That slight change in the wording would have the miraculous effect of rescuing the Bill, which, as was pointed out in Committee, is already deficient in many respects concerning unrestrained regulation, and bringing it into the terrain occupied by the fine traditions of British criminal justice.

The Minister has a golden opportunity to make that slight listening gesture: a small pragmatic concession to good sense. If he does not do that, this or a subsequent Government will have to amend the legislation once they recognise that some individuals' rights are not respected properly because to the structure that the amendment creates.

Mr. Edward Leigh (Gainsborough): I have some experience in this area, as, in January and February, I was engaged as a barrister in a seven-week fraud trial involving a phoenix company. Therefore, I may have as much recent practical experience in this area as anyone. I shall try to explain some of the difficulties associated with fraud charges concerning phoenix companies, why I think that the speech by my hon. Friend the Member for West Dorset (Mr. Letwin) was so apposite and why the House should pause before embarking on a novel legal procedure.

Fraud trials are immensely complex and difficult to determine. We are not dealing with simple facts concerning shoplifting, bodily harm or the usual nuts and bolts cases that come before the criminal courts. The fraud trial with which I was concerned involved a phoenix company whose directors were charged with setting out deliberately to close the company. There were no fewer than 3,000 separate exhibits in the trial. There were

[Mr. Edward Leigh]

initially three defendants, but one defendant pleaded guilty. The trial lasted for seven weeks and initially involved three Queen's Counsel, three juniors and solicitors. Hon. Members might think that the trial cost a lot of money—and it did. It cost a lot of money because people's freedom was at stake.

At least two of the defendants were people of previous good character: they were upstanding and credible members of society, and the trial was the most important event in their lives. As it happens, they were found guilty—I shall not go into the details of what happened to them. It took seven weeks to determine the matter in a public court, where the case was aired fully, with enormous attention paid to detail.

The Government's proposal is similar to what they are proposing in the Crime and Disorder Bill—I serve on the Committee that is considering that legislation, and I am making similar points there. The Government are short-circuiting our traditional and very careful ways of determining guilt. In the Crime and Disorder Bill, the Government are introducing all sorts of measures, such as anti-social orders, curfews and so on. Ministers argue that they will not criminalise anyone because they will be civil procedures. They claim that cases will be determined on the balance of probabilities—as will occur in this instance, which is even more worrying. At least matters will be brought before the magistrates court under the Crime and Disorder Bill. In this case, the Government apparently propose to establish a private inquiry.

As my hon. Friend the Member for West Dorset explained to the House, a Government Department will effectively initiate the proceedings. It will be the prosecutor of those proceedings, it was initially to be the defendant in the proceedings—perhaps that will not occur now—and it will be the final judge of the proceedings. If it was the 18th century, people would be up in arms about that. They would be extremely concerned that a Government Department could pursue company directors and other upstanding members of society who are engaged in legitimate business. I know from practical experience—I spent eight weeks this year examining the matter in detail as it applied to one company—that it is incredibly difficult to resolve such issues.

The company with which I was concerned was in Barnsley. For years, it had traded successfully as a subcontractor for British Coal, which had increasingly asked small companies to go into the mines on salvage operations. The company was run by a tremendous character—everyone in the industry knew him—but he flew by the seat of his pants and had, before the new directors were brought in, built up enormous debts with Customs and Excise and the Inland Revenue.

When he was told that his company would go under, he brought in an accountant, who was subsequently charged with fraud, and an investor with experience of investing all over the world—he was a considerable business man—who was also subsequently charged with fraud. The charges against them were that they had created a phoenix company—they had closed down the first company, deliberately leaving behind the debts to the Inland Revenue and to Customs and Excise, and set up a new company, which also subsequently closed down.

4.45 pm

During the trial, these matters were extremely difficult to understand. I think that I am of moderate intelligence—although I am not nearly as bright as my hon. Friend the Member for West Dorset—but, for the first three months in which I read the papers and ploughed through the 3,000 separate exhibits, I found the terms of art incredibly difficult to understand. People who engage in fraud are not fools; they cover their tracks. We are not talking about a poor old lady nicking Kellogg's packets at the supermarket.

At the end of the lengthy trial, it was determined that the defendants had been engaged in fraud. However, there were further complications, as British Coal had started to close down the contracts to the company. The second company went into debt, not because of inefficiency, but because British Coal had turned off the tap, as it were—that was, effectively, the company's defence.

Mr. Letwin: My hon. Friend makes a massively learned contribution, which clarifies matters. Does he agree that the measure could create an even worse situation than the one that he is describing, as we could be dealing not with fraud, but with neglect? From his vast experience of these matters, can he cast any light on how difficult it might be for a court, let alone a tribunal, to establish what constituted such neglect—not even undue neglect—as to lead to a director facing a quasi-criminal penalty?

Mr. Leigh: I am glad that my hon. Friend has made that point, as that has worried me for some time. Fraud has to be proven, which is extremely difficult. We hear numerous complaints in the House about lawyers wasting public money, but it is difficult to determine whether someone has set out to commit fraud. However, it is possible to find out; in the case with which I was dealing, the jury found some pointers that showed fraud.

Difficult as it is to prove fraud, how much more difficult is it, as my hon. Friend the Member for West Dorset said, to prove neglect? Is neglect a matter of incompetence or the changing market, for example? If I was conducting a hearing in the rather alarming specialised unit that is proposed, I am not sure how I could prove neglect. We want to hear much more from the Minister about how the specialised hearings will be conducted. I am also worried about the penalties.

One of the defendants in the trial had no equity in the company, but was an accountant who was paid a fee. The jury concluded, rightly or wrongly, that the fee was out of all proportion to the advice that he gave to the second company. There were literally days of evidence about the amount that he charged. As I understand the clause, an accountant who received a relatively low fee could be held liable for massive debts—more than £2 million in the case that I have cited.

We have deliberately created complex company law over generations to try to encourage enterprise and convince directors that, as long as they do not act fraudulently, they have some protection against the vagaries of the marketplace. Many companies went down in the 1980s through no fault of their own. The issue has been blown up because of the few lackadaisical, or perhaps criminal, directors who have allowed companies to go under and then started new ones; but the criminal courts are there to deal with that.

If the Government are convinced that there is a real problem, they must bring those people before a British judge and jury, and prove beyond reasonable doubt that they are guilty, in which case they should go to prison, or be fined, or both. We are about to enter another massive recession. How many companies will go under through no fault of their own? How many directors will wonder whether they will be liable for national insurance contributions and whether some civil servant will sit in judgment on them?

In the case in which I was involved, it was all very easy: we sat in a comfortable court in London, five years after the company had gone under. Do we remember what was happening in the coalfields five years ago? Debates were raging in the House and miners were losing their livelihoods. The directors' defence was that they were fighting to save the company.

The first defendant had put his whole life into the coal industry, but the company went down. The jury found that he must have known what was happening, and that although he might have been trying to save the company—which was in trouble, perhaps because of investment problems—he deliberately took the decision that the only way in which to save the business that he loved—he employed 150 people—was to close down the first company and leave the debts behind.

Was that defendant fraudulent, negligent or dishonest? All those issues were being determined five years later. What will happen to company directors in future? At least now they have the comfort of knowing, as they struggle with the difficulties of the marketplace, that the company may go down, but that they will not be dragged before a court and have their names besmirched in mud unless they have acted fraudulently. If they have not lied and cheated, they can rely on traditional British justice.

Company directors may be dragged to some secretive tribunal run by the Government, and forced to cough up tens of thousands of pounds and to lose the homes in which their wives and families live. They will have no traditional rights, no jury and perhaps no proper legal aid to help them to deal with the thousands of pieces of paper: if anybody thinks that modern companies are easy to investigate, they are deluding themselves.

Mr. Letwin: My hon. Friend raises another point, to which I did not refer earlier as I wished to bring my remarks, which were perhaps overlong, to a conclusion. Does my hon. Friend agree that the amendment makes it by no means clear, even in conjunction with the schedules, that the directors in question will be able to have proper legal representation at the tribunal?

Mr. Leigh: If that is so, I am absolutely horrified. If the Government tell those companies, which will undoubtedly go under in the next 18 months or two years, that they will be brought before the tribunal with no right to legal aid, that is frightening. It is simply not right. I therefore hope that my hon. Friend will press the Government on this matter. Given the complexity of the issue, it is impossible for people to defend themselves.

I think that I have made my point and need not weary the House further. I hope that I have shared with the House my practical experience of dealing with the issue this year, and have convinced some hon. Members of the practical difficulties. I am prepared to accept that the Government are being entirely honourable, are rightly concerned about the curse of phoenix companies, and want to do something about it. We have been dealing with the same problem in the Crime and Disorder Bill. However, one cannot identify a social or moral ill in society and simply dispense with hundreds of years of traditional civil liberties and legal remedies. A short cut cannot resolve that issue, because that may cause more injustices and problems in the future. I therefore beg the Government to think again on this issue.

Mr. Denham: A number of important points have been made in this discussion. I recognise the support for action against phoenix directors. Companies that go insolvent with unpaid national insurance debts cost about £150 million a year, of which about £50 million is because of phoenix directors.

The hon. Member for Gainsborough (Mr. Leigh) spoke at some length. His impact on me may have been similar to the impact that he had on the jury in the case to which he referred, although he did not say which side of the case he was on.

I recognise the concerns that have been raised about the European convention on human rights, but we are satisfied that the Bill meets our obligations under that convention.

Mr. Letwin: I apologise to the Minister for intervening so early in his remarks, but he has repeated almost verbatim the words of his noble Friend the Baroness Hollis of Heigham, and has not exposed the logic. Can he now tell us exactly on what basis the Government are satisfied that the Bill is coherent with the European convention?

Mr. Denham: Hon. Members will have to make their judgment on this matter. Clearly, we seek advice on these issues, and Ministers must make a judgment on the right position. It is not unusual for officials to take decisions on behalf of the Secretary of State. The clause provides for cast-iron appeal rights where the onus of proof is on the Secretary of State. I shall return to that important point. As has been recognised, changes were made in the original proposals on those appeal rights, and those are now reflected in the amendments.

I reiterate that there is a further appeal right on whether the debt was originally due from the company. The personal liability notice will now stipulate not only the total unpaid debt and the amount being transferred to the individual concerned, but the proportion of the debt for which the recipient is held liable, to enable him to check the calculations used and show exactly what degree of culpability has been found to fall on him. Another important point is that it has been made explicit in the Bill that the onus of proof in any appeal under the provision falls on the Secretary of State rather than on the appellant.

That is an important point because it has been suggested that matters such as negligence are difficult to prove. That is why it is important to state in the Bill that the onus will be on the Secretary of State to establish that case.

Mr. Leigh: Will the Secretary of State have to prove those matters beyond reasonable doubt? Will the burden

[Mr. Leigh]

of proof be the same as in a criminal trial, or will it be on the balance of probabilities, as in a civil trial? I suspect the latter.

5 pm

Mr. Denham: The balance of proof will be on the balance of probability at the tribunal, but it is worth making the point that the measure is a companion to the introduction of the offence of fraudulent evasion.

When the Contributions Agency identifies a director who is hiding behind the shield of limited liability and deliberately withholding the national insurance contributions deducted from his employees' wages, it will be able to choose the better course between transferring the debt and penalty to recover the money from the guilty person's assets, and taking a criminal prosecution, which could send the rogue or accomplices, such as a crooked accountant, to prison for up to seven years. Different alternatives would be available to the agency, depending on the situation it uncovered.

Mr. Letwin: I am grateful to the Minister who, with characteristic courtesy, has given way again. First, his answer to my hon. Friend the Member for Gainsborough (Mr. Leigh), so far as it was a clear answer—in part, it was—was very disturbing, and coherent with what I understand from the amendment.

Secondly, why should we believe that it would ever be the intention of the Secretary of State to use the criminal law to establish a fraud or a similar offence if he had open to him the avenue of establishing before a tribunal—two of its members would not be lawyers, and a lawyer for the defence may not be present—that neglect had occurred on the balance of probability?

Mr. Denham: I heard the points made by the hon. Gentleman in his opening remarks, but I do not accept his case. He claimed that a tribunal was the same as a criminal penalty. If a crime was committed and a prosecution taken, a person could be sent to prison for up to seven years. In serious cases, the appropriate action would be to attempt to ensure that such a serious penalty was imposed under the criminal law. The hon. Gentleman would agree that imprisonment for up to seven years would be a greater penalty than any charge levied as a result of the measures.

On the procedure, I make it clear that people would be able to bring legal representation to the appeal hearings. The Bill does not affect the legal aid provisions, which are properly dealt with elsewhere. We have guaranteed full protection, under an enhanced and suitably qualified and independent appeal system. There are clear precedents for the measures, notably section 61 of the Value Added Tax Act 1994, which places the burden of proof explicitly on commissioners of Customs and Excise when VAT penalties are transferred to directors of companies.

Serious and determined action is required where a director has neglected to carry out duties in respect of national insurance. Directors must understand that there is a clear obligation to deduct and pay over contributions.

Mr. Leigh: The Minister is dealing with the problem of neglect, but I press him further on what he means. Are we discussing neglect in the general management of a company or in contributing national insurance contributions? I am sorry to weary the House, but in my experience, there is often extensive correspondence between Customs and Excise and directors concerning back payments of national insurance contributions. Customs and Excise and the Revenue authorities often deliberately decide not to over-press a company for payment, because that would close it down and kill the goose that may lay the golden egg. How would the specialised unit prove neglect, and would neglect relate only to payments or to the general conduct of a company?

Mr. Denham: The matters in the Bill clearly relate to national insurance matters.

Lords amendment agreed to.

Lords amendments Nos. 13 and 14 agreed to.

Clause 13

APPEAL TO APPEAL TRIBUNAL

Lords amendment: No. 15, in page 7, line 43, leave out ("prescribed circumstances") and insert

("relation to a prescribed decision, or a prescribed determination embodied in or necessary to a decision.

( ) Regulations under subsection (2) above shall not prescribe any decision or determination that relates to the conditions of entitlement to a relevant benefit for which a claim has been validly made or for which no claim is required.")

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker (Mr. Michael J. Martin): With this, it will be convenient to discuss Lords amendments Nos. 16, 85 and 87.

Mr. Bradley: This group of amendments is our response to the Delegated Powers and Deregulation Committee report, which I am pleased to say generally concurred with our view about the necessity for the large number of regulation-making powers in the Bill. However, the Committee made a number of recommendations for changes and we have been able to meet its concerns in all cases.

Lords amendment No. 15 makes clear how the Department intends to use the regulation-making power in clause 13(2) to make certain decisions unappealable.

Mr. Waterson: I am grateful to the Minister for giving way so early in his speech. I hope that he has not lost sight of the Select Committee's recommendation in its 10th report, dated 14 January this year, that even changing to an affirmative procedure was not sufficient, at least in the context of clause 13(2).

Mr. Bradley: I regret having given way. If the hon. Gentleman listens to the rest of my explanation, he may find some comfort.

As I said, Lords amendment No. 15 makes clear how the Department intends to use the regulation-making power in clause 13(2) to make certain decisions unappealable. It explicitly prevents regulations from including any decision that relates to the conditions of entitlement to a benefit—in other words, it prevents them

from removing the right of appeal from an outcome decision. It clarifies that the power will be used only to prescribe administrative decisions, which do not carry a right of appeal at present.

Lords amendment No. 16 is technical and puts beyond doubt the circumstances that will attract a right of appeal under clause 11. Clause 11 deals with supersession of earlier decisions. Appeal rights will be granted where the Secretary of State acts on an application for a decision to be superseded, even if ultimately the amount of the award is not changed. If the Secretary of State acts on an application, a new outcome decision will be generated, whether or not the amount of benefit in payment changes.

However, in some cases, an application for supersession has no prospect of success because it is clear that there has been no relevant change in the customer's circumstances; for example, where a person tells us something that is irrelevant to the decision maker, or the application for supersession cannot possibly change the original decision. In those cases, it is not practicable or sensible for the Secretary of State to act on the application. Lords amendment No. 16 ensures that the decision not to act will not be a decision under clause 11 and will not attract appeal rights.

Lords amendments Nos. 85 and 87 make specified regulation-making powers in the Bill subject to the affirmative, rather than the negative, procedure. They make a direct response to recommendations in the report of the Delegated Powers and Deregulation Committee, which argued that it would be helpful to the House to have the opportunity for further debate on some of the key sets of regulations to be made under the Bill.

First, the new clause makes subject to the affirmative procedure three groups of regulation-making powers concerned with appeal tribunals. Clause 8(3) relates to the composition of appeal tribunals and the allocation of cases among differently constituted tribunals; paragraph 11 of schedule 1 provides for the delegation of certain functions of appeal tribunals to authorised officers—clerks to the tribunals; and paragraph 3 of schedule 5 contains the power to provide regulations for striking out or reinstatement of proceedings.

Secondly, the new clause also makes the powers in clause 13(2) and paragraph 8 of schedule 2 subject to the affirmative procedure. That change works in tandem with Lords amendment No. 15 to give further clarity about the Government's intentions towards the maintenance of existing rights of appeal.

Thirdly, the new clause permits regulations, also subject to affirmative procedure, to be made under clause 70. They will align rates of child benefit for lone parents and couples with children. We studied the Delegated Powers and Deregulation Committee's report carefully and found it extremely helpful. The Government are happy to accept that there are issues on which the detail in regulations will be of interest to the House, over and above our debate on principles during proceedings on the Bill. I commend the Lords amendments to the House.

Mr. Waterson: I congratulate the Minister on the sheer effrontery of his remarks. It is certainly true that the Minister listened, but, sadly, he did not listen to members of the Standing Committee. If he had, he would have heard my remarks, and those of my hon. Friend the Member for West Chelmsford (Mr. Burns) and numerous other hon. Members. We told him time and again in words of one syllable that he was wrong, but he consistently refused to take our advice. Yes, he has listened—he deserves one or two marks out of 10 for that—but to the Select Committee, not the Standing Committee. He was brought up short by that Committee's swingeing criticisms, to which I shall return in a moment—*[Interruption.]* Sadly, the Minister is not listening to me at the moment, but I am resigned to that. I shall try to help him by speaking in words of one syllable.

A pragmatic approach is again being adopted. That is obviously today's theme. There will be no U-turn in the face of strong and well-worded criticism from the Select Committee, but a pragmatic approach: there is no more talk of a listening Government.

That said, there has been at least a partial vindication of the position taken by the Opposition in Committee. At the time, we might as well have gone fishing, or done anything other than tell the Minister that he was wrong. I recall the sub-plot that ran through the Committee stage—the mysterious case of the missing draft regulations. With his habitual courtesy, the Minister promised at an early stage that draft regulations would be produced for the Committee so that we could have at least a flavour of the type of regulations that he would impose under the Bill. We waited, and waited, and waited, but draft regulations came there none. Although we had saluted the Minister's desire to be helpful, the Committee became increasingly restive at having no chance to see draft regulations. Perhaps they were lost in the post; I do not know.

The effect of the amendments is clear. They reduce the scope of the regulations that the Minister defended so stoutly in Committee by giving a different definition to the words "prescribed circumstances". It is worth dwelling for a moment on points made in Committee, when the official Opposition consistently opposed the extensive regulatory powers in the Bill. My hon. Friend the Member for West Chelmsford said:

"As we said on the first sitting, many of the changes will be made not by the Bill but through regulations, which I suspect we will not see in draft form during the proceedings of the Committee."

How right he was.

"We are being asked to approve a pig in a poke because we will not know the small print of those regulations or the detail of how the Government will seek to use their powers."—[*Official Report, Standing Committee B*, 28 October 1997; c. 13.]

As I have said, the Minister, despite his best efforts, consistently failed to provide the Committee with the draft regulations.

The amendments amount to a significant U-turn on the Bill's regulatory powers. Quite properly, they fix certain limits on the regulations that can be made. In particular, the new provision after clause 75 provides that many regulations that flow from the Bill will be subject to affirmative resolution, which I called for in Committee.

In Committee, I also quoted some respected independent organisations that shared our view. Perhaps the most telling quotation, to which we returned more than once, came from the Child Poverty Action Group—not exactly regarded as a wing of the Conservative party—which referred to

"the skeletal nature of the Bill".

I endorsed that description.

5.15 pm

The Law Society also gave us the benefit of its view, stating:

"A further point of concern is that the Bill gives the Secretary of State extensive regulation-making powers, making it extremely difficult for Parliament and those affected by the Bill's provisions"—

and it is they who really matter—

"to assess their impact or desirability. It is hoped that Ministers will be able to provide more detailed information in order to clarify their intentions during the passage of the Bill."

As we have heard, that was a pious hope.

Another briefing, from the Social Security Law Practitioners Association—judging from its title, it ought to know what it is talking about, and it represents people who act regularly for clients in social security matters—said:

"We believe that the current grounds upon which a decision of an adjudication officer may be reviewed work well and that such grounds should be laid out in primary legislation."—[*Official Report, Standing Committee B*, 28 October 1997; c. 77-78.]

Again, the Minister felt unable to accept that point in Committee.

At that time, the Minister sought to defend his position partly on the ground that draft regulations would in due course be considered by the Joint Committee. He felt that that was a defence against regulations that would have too swingeing an impact on people affected by the Bill. I said that it was my privilege and pleasure during my first Parliament to serve as a member of the Joint Committee that scrutinises secondary legislation. The Minister said nothing to disabuse me of the view that he had failed to see the difference between scrutiny and control—which is an entirely different thing—as regards secondary legislation.

The plain truth is that the Joint Committee considers more than 3,000 instruments a year, covering the entire range of Departments. As is made clear in the rules prepared for the House by the Clerk, the Scrutiny Committee is concerned not with the merits of statutory instruments but with such matters as whether the authority conferred by the parent Act has been exceeded and whether the drafting is defective. That is totally different from what the Minister seemed to believe, which was that the task of the Scrutiny Committee is to consider the merits of individual statutory instruments.

As the Procedure Committee's fourth report, on delegated legislation, put it—rather well—the work of the Scrutiny Committee is painstaking and unglamorous and goes largely unregarded in the House. I heartily agree, but no matter how well its members do their job, they are not doing what the Minister thought they were there to do.

As the House knows, there are two procedures for dealing with statutory instruments—the affirmative and the negative procedure, although they have changed a little in recent years. At the moment, an affirmative instrument is automatically referred for debate to a Standing Committee unless the Government are willing to afford a debate on the Floor of the House.

The fourth report says that the Government may freely disregard negative instruments, although Ministers are in a position to concede the affirmative procedure in the course of debate on a Bill in Committee. That is precisely the point that we kept making to the Minister during our Committee debates. It would have been perfectly possible to rethink the issue on the hoof and to accept that some—perhaps all—of these matters should be subjected to the affirmative procedure. As the second edition of "Statutory Instrument Practice" makes clear:

"Negative procedure provides a less stringent form of parliamentary control than affirmative".

That is precisely the point that we debated time and again in Committee.

The Bill sailed through the Committee unencumbered by any draft regulations and went to another place. There it met an immoveable object, in the form of the Lords Select Committee on Delegated Powers and Deregulation. Its conclusions on the Bill deserve repetition. The 10th report states:

"There is an exceptionally large number of delegated powers in this bill, and it is difficult to strike the right balance in relation to some of these powers."

The Committee touched on the need for flexibility, which the Minister did mention in Committee, but went on to say:

"Some of the delegated powers in the bill break important new ground".

The Committee expresses profound reservations about the contents of the Bill without the Lords amendments. Let us not forget that the Committee exists

"to report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny"—

precisely the point that we made over and over again in Committee.

The Lords Select Committee took written evidence, not least from the CPAG and the National Association of Citizens Advice Bureaux. Given that those independent organisations agreed with the Opposition's concerns in Committee, the Minister should have given us a more serious hearing at the time.

The Committee went on to say of clause 13:

"The Committee does not consider that affirmative procedure is the appropriate answer to its concerns about clause 13(2) . . . It is arguable that primary legislation should establish the essential rights of appeal in any area of the law . . . The Committee sees no objection to a power to confer additional rights of appeal . . . But as the bill stands there are no rights of appeal which could not be removed by regulations under clause 13(2) or paragraph 8 of Schedule 2. The Committee wishes to draw attention to this point, and invites the House to consider whether it is right that Ministers should have so wide a power to deny appeals from their own decisions."

Given that the Committee uses guarded and measured language, these are damning and devastating criticisms of the Department's approach to the Bill and its regulation-making powers. That point was so clear and obvious in Committee that I remain amazed by the fact that the Minister felt unable to recognise it. He has had a firm slap on the wrist from the Select Committee, but, far from coming here in a mood of contrition and apology for getting it so wrong, he has had the effrontery to try to take credit for what amounts to another massive climbdown—or "pragmatic approach". What a pity that that approach was not in evidence in Committee.

Mr. Swinney: It appears that the Government have put their case this evening, only to be confronted by a series of hurdles designed to make it difficult for them to change their position.

I want to speak to Lords amendment No. 87, a new clause. I welcome the fact that the affirmative procedure is to be used for the regulations made under the new clause. Bearing in mind the fears raised by the proposal to reduce benefit for lone parents, the public would be staggered if they believed that Parliament was not according to issues of such sensitivity the sort of scrutiny afforded by the affirmative procedure.

It is important to assure our constituents that regulations of this nature will be subjected to the closest possible consideration by the House. The public need reassuring that there will be such scrutiny of a variety of aspects of the legislation. They need to know that enough parliamentary time will be devoted to issues raised by the Government in future, whether they relate to changing the constitution of appeals tribunals or to powers to reduce benefits to lone parents. These are fundamental issues; if Parliament cannot devote the right amount of scrutiny to them, it will be failing in its duty to the public. That is why I welcome the Government's response to the Lords amendments.

Miss Kirkbride: I had the privilege of serving on the Standing Committee some time ago. Before being elected, I sat up in the Press Gallery as a journalist, and I can only describe what the Minister has said this evening as a U-turn. We should like more of them in other areas of the Bill; at any rate, the Government are eating a good deal of humble pie tonight, given what they said during that interminable Standing Committee—[*Laughter.*] It was my first experience of a Standing Committee, and the debates sometimes seemed rather long to me.

We are grateful that the Minister has listened to the concerns that we expressed in Committee. When the Bill was in Committee last autumn, it seemed symptomatic of the then new Government that they were arrogant enough to propose that these measures should be put through without proper scrutiny. We were often left in the dark, not knowing whether Ministers meant to employ the affirmative or the negative procedure—or indeed what they were proposing. It is important that the Government have now accepted that when we are spending a great amount of public money, the public should at least know where they stand with regard to appeal procedures and to other things that the Government were trying to slip in. I have many constituents who are concerned about their rights and the appeal procedures on the benefits that are available to them.

The regulatory framework must be made much clearer, so I am grateful for the U-turn that Ministers have made tonight. We should like more as we proceed, but I thank the Minister for his interest so far.

5.30 pm

Mr. Keith Bradley: I find it extraordinary that the Opposition have the effrontery even to raise the issue of secondary legislation. Year after year when they were in government, they introduced skeletal Bills, such as the Jobseekers Bill, on which I am sure the hon. Member for Bromsgrove (Miss Kirkbride) reported in her former life, in which, as she will have noted clearly, most of the provisions were in secondary legislation. The file of papers on secondary legislation was 10 times thicker than the Bill itself, so we will take no lessons from the Opposition.

Mr. Waterson: Will the Minister give way?

Mr. Bradley: No, I am making my point. We understand that there is a reshuffle in the air on the Opposition Benches.

We were not brought up short by the Delegated Powers and Deregulation Committee because it accepted our principle that most of the detail should be in regulations. Out of more than 100 regulation-making powers, it commented only on five. It vindicated our assertion in Committee that the structure in the Bill was right and the use of powers was appropriate.

Yet again, the hon. Member for Eastbourne (Mr. Waterson) is confusing that Select Committee with the Joint Committee on Statutory Instruments, which he continually refers to. They are different. The Select Committee looks at whether we have appropriate powers, whereas the Joint Committee looks at specific regulations and decides whether those powers are being exercised appropriately. It has not looked at regulations yet in this respect. The comments are appropriate in relation to the fact that the Select Committee examines the generality of the use of powers.

Mr. Waterson: I thank the Minister for giving way because we may be able to save a bit of time by my intervening at this stage. I am well aware of the difference that he mentions because, of course, I served for some four or five long years on the Joint Committee, but my recollection of the Standing Committee is that, at one point, he was trying to defend the Bill as it stood by saying that the regulations would be considered in due course by the Joint Committee. I do not think that he fully appreciated or had a complete grasp—I may be doing him an injustice, in which case he will put me right—of the narrow compass of the Joint Committee's responsibilities.

Mr. Bradley: We are in danger of compounding the confusion and the difference of view that we had in Committee—and still do—even further. The Committee that I was referring to was the Select Committee, which scrutinises the generality of the powers. The hon. Gentleman refers to the Joint Committee on Statutory Instruments, which considers these matters only when it has such instruments before it and examines whether those powers are being used appropriately. There was confusion in Committee on that point, and there continues to be.

What is important is that when regulations are laid—we have to recognise that this is a long and technical Bill—they are correct. If they are not, we would only be criticised again for having to amend or replace them and, again, the Opposition would say that we had not done our job properly. As we have made clear, we shall also use the ad hoc group on implementation, which will help us to implement the Bill. Representatives from the Child Poverty Action Group, the National Association of Citizens Advice Bureaux and Age Concern, for example, are serving on that group, so their views will be taken into account as the Bill is implemented.

[Mr. Bradley]

I am sure that we have noted the general welcome from hon. Members on both sides of the House for my announcement on statutory instruments. It would be wrong to delay the House any further by not approving them.

Lords amendment agreed to.

Lords amendment No. 16 agreed to.

Clause 14

REDETERMINATION ETC. OF APPEALS BY TRIBUNAL

Lords amendment: No. 17, in page 8, line 26, leave out ("shall") and insert ("may")

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to take Lords amendment No. 18.

Mr. Bradley: Amendment No. 17 allows a tribunal chairman, who is considering an application for leave to appeal against a decision of a tribunal, the discretion either to set aside that decision and refer it back to an appeal tribunal, or to grant leave to appeal to a commissioner. As clause 14 is currently drafted, the chairman would be required to set aside an erroneous decision and refer the case for redetermination by a tribunal.

Concerns were expressed in another place that a chairman would be required to set aside an erroneous decision even where he had been outvoted at the tribunal on the same issue, which could place him in a difficult position.

Mr. Burns: On a point of information, will the Minister confirm that, notwithstanding what he has just said about this issue being raised in another place, it was also raised in the Committee upstairs in this House?

Mr. Bradley: I cannot confirm it in the sense that I do not have *Hansard* in front of me, but I am sure that the hon. Gentleman must be referring to some comment that he made in Committee and I would not in any way wish to undermine that position. If he now wishes to take credit for the amendment, again, we are all on the same side on this one.

Mr. Burns: The Minister is right in his surmise. It was raised in the Committee of this House, so will he tell the House: if it was so compelling an argument in another place, why did he not listen and why was it not compelling in Committee?

Mr. Bradley: If we go down that route of argument, there would no point us discussing these amendments and the Government laying out their position on accepting them. The parliamentary process is a total process: through Second Reading, Committee, the Lords and back again. Throughout that process, not just in parts of it, we are a listening Government. I am pleased that we have listened very carefully to the arguments throughout that process and have come to a conclusion on them.

Mr. Burns *rose—*

Mr. Bradley: I wish to make progress. I do not think that we need to make a fuss about nothing on this point.

Mr. Burns: If the Minister gives way, it will save me having to make a speech

Mr. Bradley: In that case, I am only too delighted to give way.

Mr. Burns: I will keep to my commitment, as the Minister has generously given way. If he is part of such a listening Government and the legislative procedure is an on-going complete sequence of events, why did his Government not listen to the message that was being sent on single parents in the vote last December? Why does he cherry-pick which issues he is going to listen to and claim the credit for listening to?

Mr. Bradley *rose—*

Mr. Deputy Speaker: Order. Let us keep to the subject that is before us.

Mr. Bradley: Thank you, Mr. Deputy Speaker. I completely agree with your ruling on that point.

Concerns were expressed in another place that a chairman would be required to set aside an erroneous decision even where he had been outvoted at the tribunal on the same issue, which could place him in a difficult position. The Government have considered the matter further and have made appropriate amendments to ensure that the chairman has the option to refer cases back to a tribunal for determination.

Amendment No. 18 is consequential on the amendment to clause 14(2). It ensures that a decision will always be set aside and referred for redetermination wherever the principal parties agree that a decision is erroneous in point of law. Without the amendment, it would not be clear whether the chairman could override their request if he agreed that there was an error of law and were to exercise his discretion, under the amended subsection (2), not to refer the case for redetermination.

These are sensible provisions and I commend the amendments to the House.

Lords amendment agreed to.

Lords amendment No. 18 agreed to .

Clause 15

APPEAL FROM TRIBUNAL TO COMMISSIONER

Lords amendment: No. 19, in page 10, line 19, leave out ("The Lord Chancellor may by regulations") and insert ("Regulations may")

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to discuss Lords amendments Nos. 20 to 26, 83, 84, 86, 114 and 123.

Mr. Bradley: Amendments Nos. 19, 20, 21, 83, 84 and 86 ensure that the Lord Chancellor retains the necessary regulation-making powers that he currently has in respect of proceedings before commissioners.

Amendment No. 24 allows the presiding social security commissioner to have a casting vote where there is an equal division in votes. Amendments Nos. 22, 23 and 25 relate to the handling of applications for leave to appeal to the social security commissioners. The amendments will allow the chief commissioner to direct that such applications be considered by a tribunal of commissioners.

In recent years, there have been instances where an application for leave to appeal and its determination were crucial to a number of other applications. In those cases, determination by a tribunal of commissioners would help to ensure clarity and consistency in the application of the law. Such a power is likely to be exercised infrequently by the chief commissioner—perhaps no more than two or three times each year—but it offers clear benefits for the development of social security law.

Amendments Nos. 26, 114 and 123 are technical. They ensure that the Bill contains provisions for decisions on child support and vaccine damage payments to be final, and for findings of fact contributing to decisions on child support and vaccine damage to be made conclusive by regulations for the purposes of further such decisions. This mirrors provisions already made for social security benefits. The amendments also ensure that such findings of fact can be made conclusive across all the Department's business areas.

I commend the amendments to the House.

Mr. Burns: I should be grateful for some straightforward clarification on some of the amendments. I have no problems with what the Government are seeking to do, having read the *Hansard* from the other place with great care. However, there are some confusing points of fact and I would appreciate it if the Minister could elaborate on them. If he would prefer to do so through interventions to save time, that would help our proceedings.

My understanding is that in the original drafting of these clauses the Lord Chancellor was given various regulation-making powers. He had the power to make regulations defining what could and what could not be appealed from an appeals tribunal to a commissioner. Unless I am wrong in my understanding of the proceedings in another place, on Report the references to the Lord Chancellor's powers were removed. What is causing me particular concern—because I do not understand how it dovetails with the Minister's remarks—are the Lord Advocate's comments on 20 April. He said that

"references to the Lord Chancellor's regulation-making powers in Clauses 14 and 15 are no longer necessary."—[*Official Report, House of Lords*, 20 April 1998; Vol. 588, c. 984.]

Perhaps the Minister could elaborate whether that has happened because of some drafting requirement as a result of amendments to the Bill, or because there has been a change of heart.

That leads me to two other points of clarification. The Minister may say that the Government have had to make some of the changes as a result of the Scotland Bill. Indeed, that issue arose when we discussed the first group of amendments today. Changes had to be made to the Bill because the Minister rather perspicaciously claimed that he wanted to get it right and was therefore withdrawing parts of the Bill until there was clarification of the consequences of the Scotland Bill when it became law.

5.45 pm

Why have those powers been removed from the Lord Chancellor? If it is not because of a technicality or drafting issues, what is the reason? Why were they withdrawn at the time that they were? I ask that not to be obtuse, but when we were scrutinising the Bill in Committee in this House the Scotland Bill had already been published, so the Government must have been aware of any potential problems or any desire to seek clarification.

I have been wondering why there was no attempt to make these changes in Committee or on Report in this House. This may not be connected, but was it anything to do with what was happening at the other end of the building with regard to the Lord Chancellor? Perhaps the Government did not want to give any more ammunition to the press—a stick to beat the Lord Chancellor with—given his problems with the redecoration of his apartment with taxpayers' money—

Mr. Deputy Speaker: Order. I do not expect the hon. Gentleman to raise that subject on this group of amendments.

Mr. Burns: You are absolutely right, Mr. Deputy Speaker. I certainly do not want to stray into that controversy or open old wounds. I was just, in passing, wondering whether that incident had any bearing on the timing of the Government's proposal to change the Bill. No doubt the Minister, who is in listening mode, will have heard my point and will want to clarify the issue—within order and without causing any problems for the Chair—when he replies.

The hon. Member for Cardiff, West (Mr. Morgan)—who used to be a Labour Front-Bench spokesman, but who failed to find a place in the first Administration and now sits on the Back Benches—suggested that perhaps the country did not really need a Lord Chancellor at all. That was a slightly off-message line to take. Perhaps that, too, has some bearing and the Government are chipping away at the Lord Chancellor's powers through these amendments.

If the Minister, as a matter of information, will fully clarify these points so that we can understand what we are being asked to approve, I shall be eternally grateful.

Mr. Keith Bradley: I will cut away all the verbiage and get to the clarification of the amendments that the hon. Gentleman seeks. I hope that he will find comfort in it.

The Lord Chancellor is currently given the power to make procedural regulations with respect to proceedings before commissioners through section 189(2) of the Social Security Administration Act 1992. He is required by section 189(10) to consult the Lord Advocate before making regulations under the Administration Act. Both subsections are repealed by the Bill.

Amendment No. 84 re-enacts those provisions to allow the Lord Chancellor to continue to be able to make regulations in respect of proceedings before commissioners after consulting the Lord Advocate. Such regulations may relate to the determination of any matter by commissioners, or leave to appeal to, or from, the commissioners.

[Mr. Keith Bradley]

Therefore, Lords amendment No. 84 makes references to the Lord Chancellor's regulation-making powers in clauses 15 and 16 unnecessary. Lords amendments Nos. 19, 20, 21, and 83 remove references to the Lord Chancellor, in clauses 15(11) and 16(6), and consequentially amend clause 75(1).

I am sure that that explanation clarifies the position, and that the hon. Member for West Chelmsford will be happy to accept those Lords amendments.

Lords amendment agreed to.

Lords amendments Nos. 20 to 26 agreed to.

Clause 22

SUSPENSION IN PRESCRIBED CIRCUMSTANCES

Lords amendment: No. 27, in page 14, line 31, leave out subsection (4)

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to discuss Lords amendments Nos. 28 to 30 and 71.

Mr. Bradley: Lords amendments Nos. 27, 28, 29 and 30 clarify the circumstances in which entitlement to benefit may be terminated following a suspension of payment of benefit. Clause 22 contains provisions to suspend payment of benefit when a doubt arises about whether a person is entitled to benefit, and to terminate entitlement following suspension. The intention has always been that entitlement will terminate only when someone fails to comply with an information requirement that the Secretary of State imposes to resolve the issue that led to the suspension. The amendments make that limitation explicit in the Bill, in response to concerns expressed in another place.

Lords amendment No. 71 relocates clause 59 into the section of the Bill dealing with "benefits". Currently, the clause is incorrectly located in the section of the Bill dealing with "contributions". The amendment rectifies a technical error in the current draft of the Bill.

I commend the amendments to the House.

Lords amendment agreed to.

Lords amendments Nos. 28 to 30 agreed to.

Clause 27

RESTRICTIONS ON ENTITLEMENT TO BENEFIT IN CERTAIN CASES OF ERROR

Lords amendment: No. 31, in page 17, line 28, at beginning insert ("Subject to subsection (1A) below,")

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to discuss Lords amendments Nos. 32 to 37, 52 to 58, 138 to 141, 143 and 145.

Mr. Bradley: Clause 27 contains provisions to deal with restrictions on entitlement to arrears of benefit following a decision by a commissioner or court which reinterprets the law in a particular area. The clause replaces and clarifies sections 68 and 69 of the Social Security Administration Act 1992.

Lords amendments Nos. 37 and 58 clarify the fact that restrictions on payment of arrears will apply regardless of whether a claim or application is made before or after the date of the relevant determination. The other amendments in the group will ensure that the provisions of clauses 27 and 44, and paragraph 47 of schedule 6, comply with European Community law and with the European convention on human rights.

As originally drafted, the provisions would have required that only the person involved in the lead case—the case that leads to a reinterpretation of the law by a commissioner or a court—would have any increase in their benefit entitlement paid without any restriction. All others who are affected by the new interpretation of the law would have had any increase paid from a common date set—the date of the determination in the lead case.

Mr. Burns: In the light of debates on the Bill in another place, why is the Minister so confident that the provisions will comply with the requirements of the European Court of Human Rights? On what evidence has he based that conclusion?

Mr. Bradley: I am confident—because of the thorough-going nature of the debates in the other place, and the expertise that has been applied to the matter both there and within my own Department—that the assurances that I have given will be complied with. If the hon. Gentleman has doubts on the validity of that statement, I should be very grateful if he will say how he thinks it is defective. If I am not able now to deal with his specific point on how it is defective, I shall certainly write to him about it.

Mr. Burns: On that specific narrow point, will the Minister confirm whether he has had specific meetings with officials to discuss the issue?

Mr. Bradley: I should certainly not be commending the amendments to the House if I were not satisfied, through my officials, that the information that I am providing is correct. I say again that, if the hon. Gentleman believes that there is any defect in my statement, I should be very happy to hear what it is. In the light of that information, we will reconsider the matter, and I shall write to him with a detailed response. However, he has not yet given me any details of a problem. If he wishes to record in *Hansard* the problem that he perceives in the statement, perhaps we will be able to deal with it.

Mr. Burns: I should like to clarify one point. In no way was I suggesting that the Minister might be less than straightforward. I should hate for him—perhaps inadvertently, in his comments—to put that on the record. I have no doubt about the Minister's integrity. However, in debates in the other place, there was a great difference of opinion and confusion about the extent and accuracy of the provisions' compliance—when it comes to the crunch—with requirements. I was simply wondering whether the Minister has more information on that matter.

Mr. Bradley: No. I merely repeat the point that—as the hon. Member for West Dorset (Mr. Letwin) is only

too aware—all legal matters are always open to interpretation. I believe that the amendments will ensure compliance with European law. I am not suggesting that I am an expert in the field; I rely on advice on those matters. If the hon. Member for West Chelmsford (Mr. Burns) or any other Opposition Member thinks that there is a specific defect that I am not dealing with, I should be grateful to be told what it is. I shall deal with the point in writing, and try to provide further assurance. Conversely, if the information shows that we should reconsider the matter, that will be done.

In no sense am I trying to mislead the House. I am merely trying to state what we believe to be the case. The matter has been considered both in the House and in another place, and I am moving and speaking to the amendments on that basis.

The amendments will ensure that restrictions on arrears will not apply to other cases that are being appealed or to claims or applications that are held up by the Secretary of State while awaiting the outcome of lead cases. I say again that I believe that the provisions are in compliance with the requirements of European Community law and the European convention on human rights—although I should be happy for the matter to be debated further if there are views to the contrary.

With those assurances, I commend the amendments to the House.

Lords amendment agreed to.

Lords amendments Nos. 32 to 37 agreed to.

Clause 38

REVIEW OF DECISIONS

Lords amendment: No. 38, in page 24, line 12, after ("relates") insert—

("(aa) may review such a determination on the ground that the person who applied for the payment to which the determination relates misrepresented, or failed to disclose, any material fact;")

Mr. Denham: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to discuss Lords amendments Nos. 39 to 43, 79, 80 and 92.

Mr. Denham: These are technical amendments to clauses 38 and 73, which deal with the social fund. Although they are essentially drafting changes to clarify matters that the House has already discussed, it may assist the House if I briefly remind hon. Members how the social fund measures in the Bill fit together to form a coherent package of improvements.

6 pm

The simplification of budgeting loans in clause 69, the ability to recover social fund overpayments in clause 73, and their associated review procedures in clause 38 all represent further significant steps towards our goal of achieving an active, modern service. Their combined effect will be to make the social fund system more user friendly for the customer, more efficient for staff to administer and more secure for the taxpayer.

Amendments Nos. 38, 39 and 41 to clause 38 clarify the review procedure for dealing with discretionary social fund overpayments. Amendments Nos. 40, 42 and 43 are consequential technical changes, which again ensure that "appropriate officers" and social fund inspectors need only follow the special review procedures when they are reviewing determinations on the grounds that the applicant misrepresented or failed to disclose information. I should make it clear that nothing in these amendments affects the applicant's right to apply for a review, either of the original determination in his case or of the determination that there has been an overpayment.

Amendments Nos. 79 and 80 are technical amendments to clause 73. Amendment No. 80 tidies up the legislation, and amendment No. 92 ensures that the new discretionary social fund review procedures to support the budgeting loans scheme and the recovery of overpayments can be operated by social fund officers before the introduction of appropriate officers under part I of the Bill.

As a result of the measures in the Bill and of the amendments before the House, the social fund will in future be simpler to understand and more cost-effective to administer; it will also be seen actively to support people back into work, and be based on integrity and honesty.

I commend the amendment to the House.

Mr. Letwin: I shall attempt to remember that you are in the Chair, Mr. Deputy Speaker, and that I begin my remarks with you in the Chair, rather than in the presence of Madam Speaker.

This set of amendments constitutes a set of dogs that have not barked or a set of Ministers who have not listened—an extreme example of the latter phenomenon, I fear. Clause 38 was much debated in Committee. It was perhaps not as well debated by the Opposition as it should have been because it was I who spoke. However, having read my remarks, I find that although they were not as elegant or eloquent as perhaps they should have been, they had the great merit of being true. They remain true, alas, because nothing has been done to remedy the great deficiencies that were then observed in clause 38, which are indeed symptomatic of the deficiencies that run through the Bill, to which attention was also drawn many times by my colleagues and which were also highlighted in another place.

Let us first consider clause 38(1)(a). It states that a review of a social fund determination shall be made

"within such time and in such form and manner as may be prescribed".

The Minister may recall that, with some assistance from the hon. Member for Newbury (Mr. Rendel), we drew attention to the question whether there ought to be a time limit which, as the Minister made clear, would have affected the length of time that the Government could take before they instituted a review without an application from a customer.

On that occasion, the Minister took no heed of the request. We are told that this is a listening and pragmatic Government, so one would have expected that between the time of our debates in Committee and the Bill entering another place, Ministers would have had time to reconsider and would have seen the justice of a 28-day time limit, in those circumstances at least. No such luck—unless my eyes deceive me, there is not the slightest reference to a time limit in the multitude of amendments

[Mr. Letwin]

to clause 38. No luck, no listening, no pragmatism. That will affect individuals who will find themselves being reviewed, perhaps long after the fact, without any means of responding—unless the Government do exactly what the Minister said they would do when the issue was raised in Committee.

The Minister said:

"We have made clear our intentions in Committee".

By that he meant:

"In the majority of cases, 28 days will give claimants ample time".—[*Official Report, Standing Committee B*, 18 November 1997; c. 367.]

He made it clear that he intended to introduce regulations that would set a 28-day limit.

We are now in an extraordinary situation. The Minister accepted the justice of the claim that there ought to be a time limit and said that he would bring forward regulations to deal with it, but, in the intervening months, he has not put before this House or their lordships a draft—

Mr. Deputy Speaker: Order. What the Minister has failed to do is not the matter before us. The hon. Gentleman is bringing to the debate matters that have nothing to do with the amendments.

Mr. Letwin: Clearly, I would not wish to challenge your ruling, Mr. Deputy Speaker, but I think it is material to the amendments before us to say that they fail to have the effects that they could and should have had if the Minister were the representative of a listening Government. However, I move on in order to avoid—

Mr. Deputy Speaker: Order. I like to be helpful to hon. Members. When making his case, the hon. Gentleman should make a connection with the Lords amendments. If he ties the amendments into his argument, it will be all right.

Mr. Letwin: I am very grateful to you, Mr. Deputy Speaker. As a relatively new Member, and as someone who is very new to a brief sojourn on the Front Bench, I shall pay great attention to your suggestions and requirements.

I deal now specifically with amendment No. 38. Clause 38(1)(b) states that a Minister may review a social fund determination

"in such other circumstances as he thinks fit."

It was not quite with the "wild surmise" of Cortez that I came across amendment No. 38, but it was with a slight beating of the heart in anticipation of finding that, after long rehearsals in Committee, the Minister would indeed bring forward in amendment No. 38 an answer to precisely the terrible problems caused by that part of the clause. In Committee, I said:

"What an extraordinary concept in such a context—the power is completely unconstrained."—[*Official Report, Standing Committee B*, 18 November 1997; c. 365.]

We went on to observe that we could very well have had before us a Bill that simply said that the Minister may do anything in such circumstances as he thinks fit, and that it would have been a very much shorter Bill than this extremely long one and could have saved us from much further consideration, but it would not have been in accordance with the way things are done under the British constitution.

I came to amendment No. 38 thinking that it would solve the problem because it adds to the clause a precise provision relating to the review. It allows a review to take place

"on the ground that the person who applied for the payment to which the determination relates misrepresented, or failed to disclose, any material fact".

The problem is that amendment No. 38 in no sense replaces clause 38(1)(b). Unless I am much mistaken, it adds still further licence—and that is an extraordinary thing to do.

Clause 38 provides an unconstrained power of review—without the constraint of circumstances or even an objective test of the constraint of circumstances. The Minister said in Committee:

"we cannot achieve the degree of flexibility that we want when detailed provisions are set out in primary legislation".—[*Official Report, Standing Committee B*, 18 November 1997; c. 367.]

In pursuit of that flexibility, the Minister drafted clause 38(1)(b), giving himself an absolutely open field. Then, presumably, one of his officials—I cannot imagine that he dreamt it up himself—suggested that there might be just a scintilla of doubt about whether at some time it might be necessary to do something that the wholly unconstrained power provided in clause 38 might not allow in an iron-cladded way without challenge from judicial review. I can only imagine that some brilliant, imaginative, ingenious lawyer in his Department suggested the possibility that some judge might be so steeped in the arcana imperii that he could find the basis for judicial review of a Minister's review of a determination in circumstances that he thought fit, but somehow avoided falling within the letter of the law. As a result, we have a majestic additional provision that the Secretary of State

"may review such a determination on the ground that the person who applied for the payment to which the determination relates misrepresented, or failed to disclose, any material fact".

To any ordinary layman, amendment No. 38 is wholly unnecessary. It expands what is already astonishingly wide licence. However, when one considers it further, the position gets worse. We have failed utterly in our repeated efforts to understand what concrete circumstances the amendment addresses that are not addressed by clause 38(1). We continue to wrestle with the problem, but we are utterly defeated.

If a determination had been made and the applicant had misrepresented or failed to disclose a material fact, any rational Minister would think it fit to review the determination. I cannot imagine any circumstances on the face of the earth that would make it more plausible for a Minister to think it fit to review a determination than if someone had made an application and then failed to disclose or misrepresented a material fact. I bow to the Minister's immense imagination, of which I have had personal experience on numerous occasions in the House and outside, and ask him whether he has been able to dream up a circumstance in which he would not think it fit to review a determination if the applicant had failed to disclose or misrepresented a material fact. I do not anticipate his being able to provide such an explanation,

because I do not believe that an ordinary human being can furnish one—not even someone as brilliantly imaginative as the Minister.

We have to ask why the amendment was introduced in another place. I was defeated by that, so I spent some time investigating the *Official Report* there. Earnestly, as a seeker after truth, I tried to find out from the *Official Report* in another place what was the logic that underlay this wholly mysterious clause. Perhaps there was a completely different logic, which revealed a vast new array of concerns that did not arise in Standing Committee. After all, the Minister had plenty of opportunities to introduce such an amendment in Committee. Surely something must have happened in the intervening period that revealed to the Minister the necessity for such a bizarre amendment. Astonishingly, the *Official Report* in another place does not reveal the slightest trace of an explanation for the amendment. It is most puzzling.

Unlike our previous debate about phoenix companies and their directors, where a gross abuse of constitutional and jurisprudential precedent has been perpetrated and the House will have cause to be ashamed of itself, amendment No. 38 does not matter in that human sense—at least, I hope not. It is simply a case of bad legislation that provides belt and braces and will probably undo itself in the process. Probably what will happen is that some lawyer, perhaps looking back at our debates, but perhaps not, will struggle desperately to find out how clause 38(1)(b) relates to what will become clause 38(1)(c) and make sense of it and, as a consequence, the full force of the clause will be modified in court.

6.15 pm

If the right hon. Member for Llanelli (Mr. Davies) were here, I am certain that he would be able to offer us guidance as he has done previously in Welsh debates. However, I cannot speculate about that. If we have what appears to be a very bad overlap—an unnecessary paragraph—the Minister should offer to remove subsection (1)(b)—that would be marvellous—or, which would be less good, not to insert amendment No. 38. The two together certainly make no sense whatever.

Finally, I refer briefly to amendment No. 41. The Minister has described it as a technical amendment; in a sense, it is. It tells us that, in making a determination, an inspector shall

"act in accordance with any general directions . . . and . . . take account of any general guidance".

I am not suggesting that all hell will break loose as a result of amendment No. 41—manifestly not. Probably the great majority of people will never hear of amendment No. 41. I suppose, alas, that most people will never hear of amendment No. 38 or clause 38 or indeed of me or my speech.

Mr. Burns: Nor will most people here.

Mr. Letwin: Indeed, as my hon. Friend points out, nor will many hon. Members. Yet amendment No. 41 enshrines rather a horrible principle that is all too familiar to those of us who sat through the interminable hours of debate in Committee. My hon. Friend described them as pleasurable, and they were from time to time, but only due to the charm of the Ministers and not to the charm of the legislation. We frequently found an extreme predisposition towards generality in respect of regulation-making powers and powers of review and determination. Here we find that generality in the very language of the Bill.

Amendment No. 41 refers to "general directions" and "general guidance". I do not know why the word "general" is included. I do not know what the Minister and his officials think would have been lost in the drafting of the amendment had it stated that "an appropriate officer or social fund inspector shall act in accordance with any directions issued by the Secretary of State and take account of any guidance issued by the Secretary of State." However, I know that words are not included in legislation introduced by any Government without a particular purpose. As the meaning does not require the term "general", it must have been included for a particular purpose. I take it that it is there to allow the Secretary of State to give guidance or direction on topics wholly unrelated to the determination of a review and to allow an appropriate officer or social fund inspector to have regard to a variety of issues that the applicant might have considered wholly irrelevant. If that is the purpose—the Minister is more than welcome to clarify the issue in an intervention or in his reply to the debate—it is quite sinister. I am sure that the Minister does not intend any ill to befall people.

Ministers will be aware, from many cases before the Benefits Agency, that citizens advice bureaux repeatedly find that, because of the bewildering array of other regulations, directions and guidance, innocent, ill-informed applicants experience treatment that they had not anticipated. If the inclusion of the word "general" is to permit exactly that kind of articulation, it is, to put it mildly, regrettable.

I have laboured—undoubtedly, looking at the faces of Labour Members—

Mr. Keith Bradley: Look at the Opposition Benches.

Mr. Letwin: I assure the Minister that I would be amazed if I found a great army behind me.

I have laboured mightily over the amendments, but I believe, difficult as Ministers may find it to credit, that it matters how legislation is worded. It matters whether the general power given to the Secretary of State by legislation has been appropriately constrained. It matters whether the clauses overlap. It matters whether individuals, when they apply for benefits, are clobbered by provisions that they have never heard of because a clause they have never heard of gives the Secretary of State a power that no rational human being would want included in a Bill, which got through the House of Commons because nobody mentioned it.

I hope that this listening, pragmatic Government will now see fit to make minor adjustments, to bring the Bill back into line with common sense.

Mr. Denham: There are several reasons why I hope that the hon. Member for West Dorset (Mr. Letwin) never becomes a Social Security Minister, one of which is the danger that he would face of having so many of his speeches on this matter read back to him.

Amendment No. 41 has been drafted to be consistent with the wording and construction of the legislation introduced by the Conservative Government in 1986 and

[Mr. Denham]

consolidated in 1992. I accept that the hon. Gentleman has sincere reservations about the way in which regulations are drafted, but the form and wording of the amendments are consistent with previous practice, which was followed by Conservative Governments.

Mr. Letwin: I thank the Minister for his characteristic patience in giving way. First, I do not take responsibility for previous practice, which is long running and dates back to earlier Governments than the previous one. Secondly, I hope that the Minister will not advance the argument that this matter is like public expenditure: the Government can do anything wrong as long as the practice is consistent with that of a previous Government.

Mr. Denham: I shall cover the other substantive points—

Mr. Burns: Answer this point first.

Mr. Denham: It is fair to say that the drafting of legislation should—unless we can find reason to change it—reflect existing legislation on the issue. When considering the Bill, we found no reason to change the form of wording used in the Act.

In his second set of questions, the hon. Member for West Dorset asked me to explain the purpose of the group of amendments. We are dealing with reviews that are necessary because there has been misrepresentation or failure to disclose a material fact. The current position in law is that if a discretionary social fund overpayment results from misrepresentation or failure to disclose a material fact, the amount cannot be recovered unless the customer voluntarily agrees to repay it or civil action is taken against him. Discretionary social fund overpayments are often relatively small sums, and civil action is not always cost-effective. That means that overpayments are being written off, which allows people to profit from fraud. The intention of clause 73 is to close the loophole in the primary legislation.

We want to amend clause 73 because, although it introduces the express provision to allow the Secretary of State to recover such overpayments when a determination has been made, it does not provide the power to determine that an overpayment has occurred or to quantify it. The intention is to amend clause 38 to make it explicit that appropriate officers will determine that an overpayment has occurred and decide the amount to be recovered.

If I understood the hon. Gentleman correctly, he seeks clarification on why the amendments are necessary. They are necessary to enable the Bill's purpose—which we discussed in Committee—to be carried out.

Lords amendment agreed to.

Lords amendments Nos. 39 to 44 agreed to.

Clause 42

CHILD SUPPORT: APPEALS TO APPEAL TRIBUNALS

Lords amendment: No. 45, in page 27, line 5, at end insert ("against the refusal")

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to discuss Lords amendments Nos. 46 to 51, 102, 120, 122, 124, 129, 130, 133, 134, 136, 137, 142, 144 and 175.

Mr. Bradley: Amendments Nos. 45 to 51 and 120 make minor changes to the provisions for child support appeals in clause 42 and schedule 6.

Amendments Nos. 102, 122, 129, 130, 133, 134, 136, 137, 142 and 144 clarify the appeals process for decisions on child support that are not directly part of the formula assessment. Amendments Nos. 124 and 175 allow for regulations to provide further appeal rights if they prove necessary.

When a tribunal considers a departure application, the discretionary nature of the decision means that a slightly different procedure is followed from the one for other appeals. Amendments Nos. 133 and 136 insert a provision that ensures that the same procedures are followed for departure appeals as at present.

In addition, amendments Nos. 133, 136 and 102 clarify the rules for appeals against reduced benefit directions. The Bill gives two rights of appeal against the benefit penalty imposed when a lone mother refuses to co-operate with the Child Support Agency without good cause. The amendments remove that dual provision, but ensure that parents with care can still appeal against the decision to impose a reduced benefit direction, based on the application of child support law to their case.

Amendments Nos. 122, 129, 130, 134, 137, 142 and 144 deal with appeals against the contribution to maintenance paid by some non-resident fathers who claim benefit. The Bill contains no right to appeal against such decisions, and the amendments correct that omission.

I commend the amendments to the House.

Lords amendment agreed to.

Lords amendments Nos. 46 to 58 agreed to.

Clause 45

VACCINE DAMAGE PAYMENTS: DECISIONS SUPERSEDING EARLIER DECISIONS

Lords amendment: No. 59, in page 32, line 25, at end insert—

("( ) Such notice as may be prescribed by regulations shall be given of a decision under this section.")

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to discuss Lords amendment No. 60.

Mr. Bradley: These technical amendments relate to the vaccine damage payments scheme. I hope that hon. Members will allow me to present them as a set rather than individually.

Amendment No. 59 is a minor amendment to clause 45. Clause 45 inserts a new section 3A into the Vaccine Damage Payments Act 1979. In effect, it replaces section 5, which deals with reconsideration of

the Secretary of State's decision on a claim for a vaccine damage payment, and ensures that there continues to be provision for claimants to be notified of decisions.

Amendment No. 60 is an amendment to clause 46. It allows the Secretary of State to make regulations on the procedures to be followed by appeal tribunals that hear appeals against vaccine damage payment decisions. I commend the amendments to the House.

Lords amendment agreed to.

Lords amendment No. 60 agreed to.

Clause 50

PAYMENTS TREATED AS REMUNERATION AND EARNINGS

Lords amendment: No. 61, in page 34, line 19, at end insert—

("(1A) After subsection (5) of that section there shall be inserted the following subsection—

"(6) For the purposes of section 3 above regulations may make provision for treating as remuneration derived from an earner's employment any amount on which the earner is, by virtue of any provision of sections 140A to 140H of the 1988 Act, chargeable to income tax under Schedule E in respect of an acquisition of shares or an interest in shares.'")

6.30 pm

Mr. Denham: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to discuss Lords amendments Nos. 62, 63, 93 and 94. I should inform the House that Lords amendment No. 61 involves privilege.

Mr. Denham: The amendments enable us to mirror, in national insurance, changes to the income tax treatment of shares carrying a risk of forfeiture and of convertible shares, as announced by my right hon. Friend the Chancellor of the Exchequer in his Budget.

The amendments provide for regulations to treat as earnings any amount on which the earner is chargeable to income tax under the provisions of sections 140A to 140H of the Income and Corporation Taxes Act 1988. That would allow for regulations to treat as earnings, for national insurance, gains derived from share ownership taxable under provisions to be introduced in the Finance Bill. The Finance Bill changes give business legislative certainty about the tax position. Similar changes are needed for national insurance purposes.

Part of our aim of modernising national insurance is that, where it is sensible to do so, national insurance rules should be aligned with income tax rules. It is important that national insurance rules keep in step with changes to income tax so that business is not faced with the burden of administering two sets of rules for the same type of remuneration. The amendments provide the most practical way in which to mirror in national insurance legislation the income tax changes in the Finance Bill, and I commend them to the House.

Lords amendment agreed to [Special Entry].

Lords amendments Nos. 62 and 63 agreed to.

New clause

Lords amendment: No. 64, after clause 50, to insert the following new clause—*Class 1 contributions—*

".—(1) For subsection (1) of section 5 of the Contributions and Benefits Act (earnings limits for Class 1 contributions) there shall be substituted the following subsections—

"(1) For the purposes of this Act there shall for every tax year be—

(a) a lower earnings limit (for primary Class 1 contributions);

(b) an upper earnings limit (for primary Class 1 contributions); and

(c) an earnings threshold (for secondary Class 1 contributions).

(1A) For the tax year 1999–2000, the lower earnings limit (for primary Class 1 contributions) shall be £81.

(1B) For the tax year 2000–2001 and each subsequent tax year, the limits and threshold referred to in subsection (1) above shall be specified for that year by regulations which, in the case of those limits, shall be made in accordance with subsections (2) and (3) below."

(2) For subsection (1) of section 6 of that Act (liability for Class 1 contributions) there shall be substituted the following subsection—

"(1) Where in any tax week earnings are paid to or for the benefit of an earner over the age of 16 in respect of any one employment of his which is employed earner's employment—

(a) a primary Class 1 contribution shall be payable in accordance with this section and section 8 below if the amount paid exceeds the current lower earnings limit (or the prescribed equivalent in the case of earners paid otherwise than weekly); and

(b) a secondary Class 1 contribution shall be payable in accordance with this section and section 9 below if the amount paid exceeds the current earnings threshold (or the prescribed equivalent in the case of earners paid otherwise than weekly)."

(3) For subsections (1) and (2) of section 8 of that Act (calculation of primary Class 1 contributions) there shall be substituted the following subsections—

"(1) Where a primary Class 1 contribution is payable, the amount of that contribution shall be the primary percentage of so much of the earner's earnings paid in the tax week, in respect of the employment in question, as—

(a) exceeds the current lower earnings limit (or the prescribed equivalent); and

(b) does not exceed the current upper earnings limit (or the prescribed equivalent);

but this subsection is subject to regulations under section 6(5) above and sections 116 to 120 below and to section 41 of the Pensions Act (reduced rates of Class 1 contributions for earners in contracted-out employment).

(2) For the purposes of this Act the primary percentage shall be 10 per cent; but the percentage is subject to alteration under sections 143 and 145 of the Administration Act."

(4) For section 9 of that Act there shall be substituted the following section—

"Calculation of secondary Class 1 contributions.

9.—(1) Where a secondary Class 1 contribution is payable, the amount of that contribution shall be the secondary percentage of so much of the earnings paid in the tax week, in respect of the employment in question, as exceeds the current earnings threshold (or the prescribed equivalent).

(2) For the purposes of subsection (1) above, the secondary percentage shall be 12.2 per cent; but the percentage is subject to alteration under sections 143 and 145 of the Administration Act.

(3) Subsection (1) above is subject to regulations under section 6(5) above and sections 116 to 120 below and to section 41 of the Pensions Act.""

Mr. Denham: I beg to move amendment (a) to the Lords amendment, leave out the first 'subsections' and insert 'subsection'.

Mr. Deputy Speaker (Mr. Michael Lord): With this, we may consider Government amendment (b) to the Lords amendment, Lords amendments Nos. 65, 73, 117, 147 to 153, 160 to 162 and 164, Lords amendment No. 166 and Government amendment (a) thereto, Lords amendments Nos. 167, 168 and 176 to 179. I should inform the House that amendment No. 64 involves privilege.

Mr. Denham: This group of amendments puts into effect changes to the structure of national insurance contributions for employees and their employers from April next year. It also includes two amendments that overturn the changes made to the Government's proposals in another place.

In his Budget statement on 17 March, my right hon. Friend the Chancellor of the Exchequer announced a radical reform of the national insurance system. The amendments are a crucial part of that strategy. They help to make work pay by increasing take-home pay for every employee who pays national insurance contributions, they encourage employers to create jobs for people moving from welfare into work, and they cut red tape for business by simplifying the structure of employer contributions. The measures follow the recommendations made by Martin Taylor, the head of the Government's tax-benefit review, following his wide consultation with business. Overall, they are a major step in the Government's drive to bring the national insurance system up to date with the modern labour market. I shall explain the effect of the amendments in more detail.

The main thrust of the changes is provided by Lords amendment No. 64, as it would stand with amendments (a) and (b). In the form originally introduced by the Government, amendment No. 64 would reduce employees national insurance contributions without affecting the ability to build up rights to contributory benefits. I shall deal later with the changes made in the other place to the Government's proposals, and more particularly with the amendments that will overturn those changes. For the moment, I should like to concentrate on the Government's proposals.

As a result of the Government's amendments, employees would pay contributions only on that part of their earnings that exceeds the lower earnings limit—currently £64 a week. Under the current system, employees pay no national insurance contributions when their total earnings are below £64 a week, but when earnings reach the lower earnings limit, they have to pay contributions at a rate of 2 per cent. on all their earnings up to that point.

That perverse "entry fee" costs every employee who pays contributions £1.28 a week. It means that some employees earning above the lower earnings limit receive less take-home pay than their colleagues whose gross earnings are lower. That is clearly an absurdity, and the amendments put an end to it. From April 1999, employees will pay contributions only on the part of their earnings that exceeds the lower earnings limit. That will help to ensure that people find work attractive. It supplements the other steps that the Government are taking to make work pay.

Amendment No. 64 also makes three major changes to the structure of employer national insurance contributions. First, at the moment, employers begin to pay contributions when earnings reach £64 a week. The amendment will enable the Government to raise that threshold to the level of the single person's tax allowance—set at £81 a week this year. That will bring the system more closely into line with income tax, thus making it easier for employers to administer the two systems side by side.

Secondly, in parallel with the change to employee contributions, the employer entry fee will be abolished so that employers will not have to pay contributions on any earnings below the level of the single person's allowance.

Thirdly, the amendment simplifies the structure of employer national insurance contributions, bringing in a single rate of 12.2 per cent. in place of the four separate rates that apply now.

The package of changes to employer national insurance contributions is revenue neutral for employers as a whole. The changes will reduce the national insurance costs that employers face in respect of about 12.5 million people who earn below £450 a week. For example, employers will pay around £1.80 a week less for someone earning £155 a week, and £5 less for an employee on £220 a week. Those changes will make a very real difference. They will encourage employers to create jobs for people moving from welfare into work.

The reform of employer contributions will also remove distortions that mean that, when employees' wages increase, their employers' national insurance costs can increase by more than the wage rise itself. Simplification of the structure will reduce the amount that employers need to spend on administering the system.

Amendments Nos. 65 and 73 ensure that the proposed single rate of employer contribution will apply to the new class IB contribution. That is the new class of contribution being introduced in the Bill as part of the measures to enable employers to put items subject to national insurance in annual PAYE settlement agreements.

Amendment No. 147 makes a similar change in respect of class IA contributions paid by employers on company cars and car fuel provided to employees. I must make it absolutely clear that none of those changes to employee or employer national insurance contributions will affect people's rights to benefits and pensions, or their ability to build up such rights.

We have taken specific steps in amendment No. 166 to ensure that the changes do not reduce the rebates for employers with occupational pension schemes contracted out of the state earnings-related pension scheme. That means that people's future contracted-out pensions will not be affected. Government amendment (a) to amendment No. 166 is a consequential amendment required to correct a technical deficiency. Excluding those needed to reverse the changes made in the other place, the remaining amendments in the group are Nos. 117, 148, 149, 150, 151, 152, 153, 160, 161, 162, 164, 167, 168, 176, 177, and 178. Those make changes to schedules 7 and 8 by way of minor consequential amendments arising from the new contribution structure.

I must also draw the attention of the House to the fact that contributions payable into the national insurance fund are the subject of Commons privilege. That means that it

is the privilege of this House to introduce measures on that subject. It is, of course, a privilege which the House is able to waive, and I invite the House to do so in this case.

I now turn to amendments (a) and (b) to Lords amendment No. 64, which seek to remedy the damage caused by the introduction into our measures of changes put forward by members of the Conservative party in the other place—changes that are ill judged, irresponsible and imprudent.

The Conservatives seek to introduce into the Bill a change that my right hon. Friend the Chancellor of the Exchequer has said that he will make at a later date. It is indicative that the only amendments that the Opposition seek to make to the structural national insurance measures relate to an idea that they have stolen from our Chancellor. Those amendments would have a damaging effect. They would remove access to certain contributory benefits from up to 1 million low-paid workers, four fifths of them women. They would cut future SERPS, occupational and personal pensions for millions of others, and they would reduce national insurance contribution revenue by almost £1.5 billion a year without any consideration of whether the financial circumstances are right. I will go on to say more about those effects later; they show how reckless the Opposition amendments really are.

However, the main arguments advanced by the Opposition in the other place for their amendments were not—

Miss Kirkbride: I am somewhat perplexed by what the Minister has just said. If he claims that we are filching an idea from his own Chancellor, why does he condemn what we propose?

Mr. Denham: Because of the timing, and the way in which the Conservative party has sought to bring the changes forward, which, as I have said, is imprudent and reckless.

Mr. Burns: Why?

Mr. Denham: I shall deal with that point in a moment.

The main arguments made for the amendments by the Opposition in another place were nothing to do with the substance of the measures introduced by the Government in the Bill, so one can only assume that the Opposition agree with the measures themselves, but are reluctant to say so.

The main arguments were not even to do with the substance of the changes that the Opposition sought to make. Instead, they revolved around the fact that the Chancellor had announced his intention to raise the lower earnings limit as part of future reforms, but that the Government had not included the change in the Bill. The Opposition argued that their amendments were necessary to give the House the opportunity to debate the Chancellor's intentions. Those arguments make no sense. I suspect that, in part, they were put forward by the Conservative party to deflect attention from the damage that would be caused by the ill-thought-out changes that they sought to make.

I have no doubt that people found it helpful to hear from the Chancellor about a change that he intends to make in the future. Early notice helps business to prepare for future changes, and gives everyone a clear picture of the direction that the Government are taking.

6.45 pm

Mr. Letwin: If the Minister thinks that people would have found it helpful for the Chancellor to talk about changes that he intended to make in the future, why did the Chancellor not say that he intended to make those changes in the future?

Mr. Denham: The Chancellor clearly indicated that he intended to make the changes in the future, and I will come to that point again in due course.

In developing his Budget proposals, the Chancellor felt that now was not the time to implement the change. That is clearly for him to decide. He must judge when financial circumstances are right for a measure with such significant revenue implications. As he explained, he would not implement the change until accompanying measures were in place to ensure that people did not lose access to contributory benefits as a result.

It is not, and never has been, the Government's intention to make that change to the lower earnings limit in April 1999. The Chancellor never said that it was. That is why the Government did not introduce the measure in the Bill.

Mr. Iain Duncan Smith (Chingford and Woodford Green): Is the Minister now saying that the *Hansard* record of his right hon. Friend's Budget speech is incorrect?

Mr. Denham: I do not really appreciate the point that the hon. Gentleman is trying to make. I do not believe that there is anything in the *Hansard* record or elsewhere that suggests that the Government intended to make the change to the lower earnings limit in April 1999.

Mr. Geoffrey Clifton-Brown (Cotswold) *rose—*

Mr. Denham: I shall listen to what the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) has to say—

Mr. Clifton-Brown: On that very point.

Mr. Denham: I must make some progress. I shall listen to what the hon. Member for Chingford and Woodford Green has to say, but it is clear that it is not and never has been the Government's intention to make the change to the lower earnings limit in April 1999. That is why the measure is not in the Bill.

Secondly, the House debated the Chancellor's Budget for a week. It has had ample opportunity to discuss every measure included in the Chancellor's announcement. The House and the other place will have ample opportunity to debate the alignment of the lower earnings limit with the single person's tax allowance, and the accompanying changes to benefit rules, when the Government bring forward the necessary primary legislation. That will be the time to debate the issues—when the Government have put forward detailed proposals on all aspects of them, and we have the proper legislation in front of us—not now, on the back of the Opposition's ill-considered amendments.

Mr. Clifton-Brown: Perhaps the Minister will clarify what the Chancellor said in his Budget speech, which was:

"Further reforms will also ensure that no one pays national insurance for the first £81 of their weekly earnings.—[*Official Report*, 17 March 1998; Vol. 308, c. 1106.]

Mr. Denham: I hope that this will prove the opportunity to ensure that we do not waste a considerable time on a discussion of the interpretation of those words. The "Shorter Oxford English Dictionary" defines "further" as meaning at a more advanced point of time, and I am certain that at a more advanced point of time we shall bring forward the changes mentioned by the Chancellor in his Budget statement. I hope that the time of the House will not be wasted on the debate on the issue in another place, which, if I may say so, was not the finest debate I have read.

The Opposition have nothing of substance to say about the measures, and they will fail to make any serious case about the wording of the Chancellor's statement. It is perfectly clear that "further" means at a more advanced point of time, and I am sure that the changes will be brought forward at a more advanced point of time—but it will be at the right time. I hope that, now that I have dealt with that matter, Opposition Members will not seek to waste the time of the House any further.

Mr. Desmond Swayne (New Forest, West) *rose—*

Mr. Denham: I suspect that this may be on the same point, in which case I should not take a further intervention—but I shall risk it.

Mr. Swayne: Is not all this the consequence of the fact that the Chancellor's statement bore so little resemblance to the Red Book that underpinned it, and of the Chancellor's habit of hyping up everything that he has to say and offering jam tomorrow? Did that not give people legitimate expectations that what he said meant jam today?

Mr. Denham: No.

To argue that the amendments were needed to give the House a chance to debate the issue is puzzling in the extreme. We have had such an opportunity, and we shall have further opportunities.

Let me turn to the impact that the Opposition's proposals would have in the absence of amendments (a) and (b) to Lords amendment No. 64. It is especially necessary for me to do so as the House may divide on the matter.

There is no doubt that, in terms of work incentives, the increase in the lower earnings limit would have very beneficial effects. It would increase take-home pay by up to £1.70 a week for every person who pays national insurance contributions. It would also further align the national insurance system with the tax system, thereby adding to the policies that the Government have already introduced to reduce burdens on business.

In those respects, of course, we favour the measure. We would. After all, as I have said, it is the Government's own policy. Unlike the Opposition, however, the Chancellor recognises that those effects are only part of the story. The change would mean that, in the absence of any other changes, up to 1 million people earning between £64 and £81 a week would cease to have access to certain contributory benefits. They would no longer get jobseeker's allowance if they became unemployed. They would no longer get statutory maternity pay if they became pregnant and many of them would no longer build up rights to a state pension for when they retire.

That is, in part, why the Chancellor is not introducing this measure in April 1999. He made it clear that those low-paid workers would be protected against benefit losses. It will take time to bring forward and implement proposals on how that should be done, but it must be done.

Mr. Letwin: The Minister's case would have much more force if the Chancellor had made the changes that he intended to make in the Finance Bill. By introducing them in the Social Security Bill, did he not give the Minister the chance to make precisely those consequential changes about whose absence the Minister is complaining?

Mr. Denham: The hon. Gentleman misses the point. It takes time to prepare the sort of changes that can alter policy while protecting the benefit rights of people on low pay. Those changes cannot simply be willed overnight: they must be prepared carefully. It will take time to introduce and implement those proposals, but that must be done. It would not be right to introduce measures that have not had proper consideration and preparation.

The proposals from the Conservative party blithely ignore all those issues. They make no attempt to protect low-paid workers against benefit losses or to help the millions of others whose future SERPS and contracted-out pensions would be cut as a result. That is not this Government's idea of modernising the system, and I am sure that the millions of losers would share our view.

There is another gaping hole in the substance of the Opposition's proposals. Raising the lower earnings limit to the level of the single person's tax allowance would reduce contributions revenue by approaching £1.5 billion a year from next April. A change with revenue implications of that magnitude can clearly be introduced only when financial circumstances permit. In his Budget considerations, the Chancellor decided that the time would not be right in April 1999. That is for him to judge.

In introducing the measures into the Bill, the Opposition have taken no account of those crucial considerations. They are pushing for a change to be made outside of Budget deliberations, without offering any proposals on how the Government should deal with the revenue shortfall that would result. Their amendments give us no clues, and that is imprudence in the extreme.

The changes proposed by the Opposition drive a sledgehammer through the Government's carefully considered plans for restructuring the national insurance system. The Conservatives have taken a good idea and turned it into a bad one. They would take up to a million people out of the reach of certain contributory benefits, and they would reduce national insurance revenue by approaching £1.5 billion, with no indication of how the hole should be filled. The changes are

irresponsible and imprudent. I therefore urge the House to reverse the changes made in the other place by agreeing to amendments (a) and (b) to amendment No.64.

The Government's package of proposals has been widely welcomed. It will help to make work pay. If the new structure was in place today, were every employee paying national insurance would pay £1.28 a week less. Our proposals will also encourage employers to create jobs for people moving from welfare into work, and they will simplify the administration of the scheme for business. The overall effect will be to improve work incentives and make it more attractive to employ those moving from welfare into work.

The Government will build further on the measures in future reforms, but only when the time is right and when the benefit implications have been properly addressed. I urge the House to support this radical package of reforms by agreeing to this group of amendments.

Mr. Duncan Smith: We would not be having this debate in the context of the Bill—which is an absurdity—if the Government had not decided to dump all their national insurance changes on the back of legislation that had nearly completed its passage through the House of Lords. It is ironic that, although the Government have spent most of their first year saying how much they disagree with the other place and how little they regard what it does, they turn around at the first opportunity and put changes concerning a major part of their Budget at the back end of a Bill which had almost completed its Committee stage in the other place.

That means that we have only today in which to discuss the measures in this House. Given the Government's previous concern that elected chambers should have full rights of scrutiny, it seems strange that they did not follow the normal course and introduce a separate Bill in this place. It might have proceeded reasonably quickly and received a proper Committee stage when all the issues could have been discussed in detail. In essence, the Government have set out to avoid this Chamber for as long as they can with this legislation and have backtracked on their position regarding the other place, which verges on hypocrisy. However, I shall not dwell on that, as I wish to move on to the amendments.

There is concern that the Government's changes were not announced by the Chancellor in his Budget. I shall come to that matter in due course. In summary, there has been an abuse of this place and its processes by a Government who want to have their cake and eat it by saying what they like about the other place while using it as and when they see fit. In the Red Book, the Chancellor described the national insurance changes as

"the biggest reform to the structure of national insurance contributions since 1975, at a cost of around £1.4 billion a year from April 1999."

I said at the time of the Budget that, by and large, we agreed with the national insurance changes. We believed that they were part of a natural process of reform, and I welcomed them. The changes follow those made by Lord Lawson when he was Chancellor, and I see no reason to oppose them. The Minister knows that, so we shall not waste too much time discussing the absolute merits of the case. I had several concerns, but I raised them at the time and I shall not repeat them now.

My noble Friend Lord Higgins moved the amendments in the other place in an attempt to point out the Chancellor's deception at the time of the Budget. The Chancellor essentially said one thing and then did another. In his statement of 17 March, he announced several changes to the national insurance contributions scheme, which we have discussed. At the time—his words are quite important—he said:

"I am abolishing the perverse entry fee that every employee pays to be part of the national insurance system and, in doing so, I am cutting national insurance for every employee in the country."

Almost immediately—again, his words are important—he added:

"Further reforms will also ensure that no one pays national insurance for the first £81 of their weekly earnings. All employees earning between £64 and £81 will have their right to benefits protected."—[*Official Report*, 17 March 1998; Vol. 308, c. 1106.]

The Chancellor was absolutely clear about what he was saying: his choice of words was vital to the meaning of the speech. He did not, as the Minister claimed, use the word "future"; he used the word "further". There is a reason for that. All hon. Members know—or they should know—what a Minister means when he uses the word "further" in a speech about legislation. We assumed—as did those in the Gallery and others—that, when the Chancellor used the word "further", he meant that, linked to the Budget would be further announcements regarding the process of change that he had announced. If he had used the word "future", we would have known that the changes were not connected with the Budget and would not necessarily be involved with it. When the Chancellor said:

"Further reforms will also ensure that no one pays national insurance for the first £81 of their weekly earnings",

I know that I was not alone in understanding that to mean that employees would be included as part of the reform. Members of the press made the same assumption. In a front-page article the day after the Budget, *The Daily Telegraph* stated:

"no workers will pay National Insurance contributions on the first £81 of earnings".

On the same day, similar front-page coverage in the *Financial Times*—a newspaper not given to over-statement—said:

"Employers and employees to pay no national insurance on the first £81 of wages."

Two major newspapers, among others, made clear what the Chancellor was doing. Many members of the public were left with the impression that the changes that the Chancellor had announced—and which the papers had confirmed—would take place; they knew that the effects would be substantial, particularly on their take-home weekly pay. They thought that the changes would amount to a reduction in personal taxation. Two days later, the "Money Box" programme on Radio 4, which is not a station given to overstatement—

7 pm

Mr. Phil Hope (Corby): But was it accurate?

Mr. Duncan Smith: If the hon. Member for Corby (Mr. Hope) had listened to "Money Box", he would know that it was precise about most of the Budget details. The interviewer said, in response to a caller that

"a lot of people seem to think that they won't have to pay any National Insurance until their earnings hit eighty one pounds a week. I mean, even I've been a bit muddled by this."

[Mr. Duncan Smith]

An expert from Scottish Equitable, Mr. Stuart Ritchie, replied:

"No, the Chancellor got this a little bit wrong in his speech . . . and newspapers are actually still getting it wrong today".

Even two days after the Budget, commentators were still trying to figure out exactly what the Chancellor had promised. Newspapers and radio programmes were all saying that the Chancellor had a made a mistake—that was the best that they could say about it.

When I studied the Red Book directly after the Budget, I could not find any figures that were relevant to the raising of the lower earnings limit, even though I looked hard. The Minister mentioned the complications—the need to sort out contributions, who would receive benefits and the effect on pensions. He rightly said that measures would have to be introduced and further discussions would have to take place.

Why did the Chancellor suggest the changes if he had no intention of implementing them in the next financial year? He said that he was flagging up the idea and that he would make the changes, but there is no provision for them in the Red Book. He was not simply saying that there was too little time before April next year; the Red Book clearly shows that he had no intention to introduce them.

Mr. Clifton-Brown: My hon. Friend makes exactly the right point. Is he aware that the Red Book states, in paragraph 3.31 on page 45:

"The lower earning limits for employees will remain unchanged (at £64 in 1998-99)"?

That is totally contrary to what the Chancellor said in his statement.

Mr. Duncan Smith: My hon. Friend is absolutely right. The Chancellor said:

"I am abolishing the perverse entry fee that every employee pays to be part of the national insurance system and, in doing so, I am cutting national insurance for every employee in the country.

"Further reforms will also ensure that no one pays national insurance for the first £81 of their weekly earnings."—[*Official Report*, 17 March 1998; Vol. 308, c. 1106.]

None of the newspapers and broadcast media managed, at the time, to connect that statement with the Red Book, which made it clear that, in reality, the Chancellor had no intention of introducing the changes.

When the Chancellor appeared before the Treasury Select Committee, my hon. Friend the Member for Grantham and Stamford (Mr. Davies) asked him why he had used those words and what his intentions were. Remarkably, the Chancellor replied:

"I said: 'Future reforms will also ensure that no-one pays National Insurance for the first £81'. The word is 'future'."

One can almost see him knitting his brows and glaring:

"These are reforms we intend to make."

However, he had not used the word "future". If he had done, the media would not have made a mistake; they would have read the Red Book and asked, "Future? Which year does that mean? It is not in the Red Book, so it must be way out in the future." The Chancellor made his original statement so that the media would write a favourable story, even though it was not based in reality. The Chancellor knew that few members of the public or the media would read the Select Committee's report—the thought that the media do not dwell on Select Committee reports is strange to hon. Members, I know—so he thought that he would try to rewrite the record. However, the record stands.

The Chancellor crafted his Budget speech well into the night—there was no chance that a word would slip out. He was content to let people believe that the raising of the lower earnings limit was part of the package of Budget measures—he wanted the public to believe that he was reducing their tax. He did not correct the papers the following morning; he did not send them letters saying, "You've got it wrong. You're misleading the public—that is not what I meant." He let the impression stand for that critical 24 hours during which the public are most focused on the changes in the Budget.

Why did the Chancellor do that? The answer can be found in an article in *The Guardian*, which reported that the Budget had been heavily tested with focus groups before it was announced to the House. It said:

"Focus groups tested tax plans: Experiment in lifting Budget secrecy hailed as a success."

It is clear what happened. The Treasury was considering ways in which to raise the lower earnings limit, but had obviously not found a way to ensure that, as the Chancellor pledged, all employees earning between £64 and £81 would have their right to benefits protected. We understand that difficulty—the Government will have to resolve it.

The focus groups were, clearly, positive about the proposed change. They were told that their tax burden could be reduced, so they said: "That's wonderful. We rather like that." The Chancellor was not blind to that—the Labour party is not blind to focus groups, even though it is blind to everything else—so he hit on a plan: he would ensure that the Budget speech left the public with the impression that the changes would be made. He wanted to have his cake and eat it—he wanted to make minimal changes without going the whole way.

When my hon. Friend the Member for Grantham and Stamford confronted the Chancellor with the curious discrepancy between the Budget speech and the tables in the Red Book, the Chancellor made a crude attempt to rewrite the record. He did not want everyone to cotton on to the point.

These national insurance changes were dumped on the back end of the Bill in the other place because the last thing that the Government wanted was proper scrutiny in Committee of the whole House, which would have given the media plenty of time to realise exactly what was going on.

The Government love to talk about democracy and debate, but they hate discussing legislation. They are apparently strong on reforms of the other place, although we have yet to see what those will be, but they jumped at the first opportunity to bypass the Commons, because they worry about legitimately, democratically elected Members of Parliament scrutinising a deliberate attempt to force the press, the media and the public onto the wrong course in order to generate a warm feeling among the public.

I am extremely grateful to the House of Lords for giving us the chance to discuss these matters by amending the proposed national insurance changes. We finally have

the opportunity to expose the Chancellor's little scheme and his serious economy with the truth. We intend to support the original Lords amendments, and we will certainly oppose the changes proposed by the Minister.

When a Chancellor makes a speech as important as the Budget statement, which, after all, is arguably the single most important speech made by him or possibly by any member of the Government, the whole country hangs on his words. It is the only speech that I know of which is regularly broadcast in full and analysed as it is going on; it is commented on and digested by experts; it covers the front pages of the following day's newspapers; and it dominates the television news on the day.

That coverage is not of press releases but of the Chancellor's words. He knows as well as anyone else in the House that the words that he chooses are vital. There is no way in which he would play fast and loose and not bother about the phrasing that he uses.

Mr. Christopher Leslie (Shipley): Will the hon. Gentleman give way?

Mr. Duncan Smith: In a minute.

The Chancellor would not want anybody to get the wrong impression, leading to a wrong result in the media the following day. The words were carefully crafted.

If the Government amendment is defeated and the Lords amendment is sustained, the Government will have serious thinking to do about the contributory principle. The Minister knows that, in any case, there is a serious debate that must be engaged in, because, with the moving of the Contributions Agency across to the Treasury, we are already concerned with the contributory principle and what will happen to it. It is perhaps high time that that debate was brought more into the open. I had hoped that that would happen with the pensions reforms, but I recognise that that is a matter for another day.

If the Government allowed the Lords amendment to be made, there would be plenty of time for us to have a proper, rational and reasonable debate that could assist them to find ways in which to resolve the matter. When the Chancellor makes a statement as powerful as the one that he makes on Budget day, he chooses his words carefully and knows full well the effect that they will have, and there is no way in which the House can let him slide away from an obligation that the general public believe him to have committed himself to: they expect to be better off each week, beyond the changes to the employer contributions, and that expectation was deliberately raised by the Government. The Chancellor must answer for that.

The Government should explain tonight why they persisted in allowing that misleading statement to run in the media without correction for the first, most crucial, 24 hours.

Mr. Quentin Davies (Grantham and Stamford): The Government have still not given the country an answer on what should be the future role of national insurance and whether they intend to make it part of the tax system. Elements of the Government's proposals, such as the decoupling of benefits from employer contributions and the merger of the Inland Revenue with the Contributions Agency, certainly tend in that direction. Will national insurance be treated as tax, or shall we maintain the contributory principle in our welfare system? The Government remain undecided after a year.

7.15 pm

Even more important than those issues of substance, however, is the great issue of how the Government mean to treat with the British people. Do they intend to be straight with the British people? Will Ministers state the facts as they are, or will they prevaricate, try to deceive by sleight of hand and imply something that they know not to be the reality? Will they try to bury major items of legislation in an inappropriate Bill, on which we have only a few hours for discussion?

Those are crucial issues concerning Parliament's role in legislation and the Government's obligation to be straight with the electorate. Even if we are overridden on the substance of this debate by the Government's large majority in the House, those issues will remain, demanding an answer from the Government.

Before I discuss the Chancellor's unedifying behaviour in this matter, let me say that I do not think that the Minister helped the Government's credibility by the way in which he dealt with some of the specific issues raised by the Lords amendment. If I heard him correctly, he said that implementing, as the Conservative party wants to do, the proposal that the Chancellor appears to have made in his Budget speech to eliminate employee class I national insurance contributions below the income tax threshold would mean that employees earning less than that amount would lose their benefit entitlements.

That is a terrible misrepresentation, because the fact is that the Chancellor said:

"Further reforms will also ensure that no one pays national insurance for the first £81 of their weekly earnings. All employees earning between £64 and £81 will have their right to benefits protected."—[*Official Report*, 17 March 1998; Vol. 308, c. 1106.]

That proposal specifically eliminates the danger to which the Minister attached such importance tonight. He cannot possibly rubbish a proposal that includes the protection that he says is lacking. That is no way in which to deal with important matters.

The Minister then had the nerve to say that the changes in national insurance contributions introduced in the Budget would not damage benefits for employees. He specifically said 10 minutes ago that the changes would not damage the position of those who are opted out from the state earnings-related pension scheme.

I am particularly amazed that the Minister had the effrontery to say such a thing tonight, because when he and I debated this matter recently in a Delegated Legislation Committee, I made it absolutely plain—he could not deny the fact—that, although the new arrangements for SERPS rebates compensate those who have contracted out into personal pensions, they do not compensate those who have contracted out into salary-related occupational pension schemes, and that the SERPS rebate for money purchase schemes is actually being reduced.

Mr. Letwin: My hon. Friend is making this important point with great force. Does he agree that it was remarkable that the Minister did not refer to the distinction between money-related schemes and money

[Mr. Letwin]

purchase schemes? One would have thought, given the previous exchange, that he would at least try to claim that the provision affected the money-related scheme. Is it not now clear that he has admitted the very point that my hon. Friend made earlier?

Mr. Davies: Indeed. We shall have to read *Hansard* very carefully. One must count one's spoons carefully with this Government. When we read this debate in *Hansard*, we shall see that the Minister had the nerve to say that the position of those who contracted out from SERPS was being protected. He knows that the position of a substantial number of employees who contracted out into salary-related occupational pension schemes is not being protected. Far from being protected, the position of those in money purchase schemes will be worse and they will get less by way of a SERPS rebate.

The Minister's speech did not meet the most elementary demand for clarity and straightforwardness which we expect of a Minister of the British Government. A Minister cannot come to the Dispatch Box to deal with this matter and leave out two thirds of the picture.

Mr. Leslie *rose—*

Mr. Letwin *rose—*

Mr. Davies: I shall give way first to my hon. Friend and then, of course, I shall give way to the hon. Member for Shipley (Mr. Leslie).

Mr. Letwin: Will my hon. Friend focus on an important corollary to this matter? Does he agree that the issue might become even more important with the compulsion on stakeholder pensions, especially if they turn out to be salary related? Does he agree that that creates an extremely interesting tension between the Minister's utterances tonight and in a previous encounter, and what he seems to propose for occupational pensions?

Mr. Davies: My hon. Friend puts his finger on an extremely sensitive and interesting point. That is another area of governance of this country where the Labour Government, after a year in office, simply cannot make up their mind what to do about compulsion in relation to stakeholder pensions. They have been discussing the matter for months and have still reached no conclusions. Here again, we must watch carefully what they say because there will be all kinds of slippery talk and attempts to deceive, while providing for a future argument that no formal lie was stated. We must watch for every trick in the book on this important matter.

Mr. Leslie: The hon. Gentleman mentioned two thirds of the picture. Can he clarify—I know that he wants to be responsible—whether the Opposition amendments made in the other place would leave a hole in the Exchequer finances of £1.5 billion from the financial year that starts in April 1999? How does the Conservative party propose to fill that hole? Would they add it to the national debt, raise additional taxes, or cut public services?

Mr. Davies: Had the hon. Gentleman been following the proceedings of the Treasury Select Committee—no doubt he has not had time to do so; he cannot be blamed for being unable to follow the proceedings of every Select Committee—he would know two things. First, in dealing with the Budget, I made a range of proposals and criticisms, so one would have to explain across the range where one would have made different decisions on both the expenditure and revenue sides.

Secondly, when the Chancellor appeared before the Treasury Select Committee, I put to him the specific point that the hon. Gentleman correctly raised because I thought that it was possible to read the Chancellor's words in *Hansard* and believe that they carried the meaning ordinarily attached to them in the English language. Thus, when he said that further measures would be introduced to eliminate employee national insurance contributions of up to £81 a week, I, like the rest of the country—*The Daily Telegraph* and everyone else who has been quoted—naively believed that he was to be trusted.

I assumed that that was what the Chancellor genuinely intended to do, so I asked him, "How come you made that commitment, Chancellor, but in your Red Book—your projection of revenue and expenditure for the following four-year period—you take no account of the revenue cost of that measure?" If the hon. Gentleman reads the record of that sitting of the Treasury Select Committee, he will see that it was precisely that exchange that led to the comments that my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) quoted to the House.

Mr. Duncan Smith: Is not that the main point? My hon. Friend is making the point from his position in the Select Committee. However, if, as the Minister said, the Chancellor clearly intended to take such action, why was it not structured in the Red Book? Why did not the Chancellor announce in this year's Budget that everything would start from April next year? In this case, such action is not even mentioned in the Red Book, other than to say that it would not be done.

Mr. Davies: I could not agree more. Once the Chancellor had decided to promise further measures eliminating class I national insurance contributions below £81 a week, and decided to make no provision for that proposal in the Red Book, he was caught both ways. He was coming before the House either to make a proposal that was not costed, which was a serious failure for a Chancellor of the Exchequer, or to make a promise that he knew perfectly well was completely bogus. Arguably, that was an even greater failure—certainly a greater moral failure, if not a greater failure of competence. Clearly, he was guilty of one or the other.

I can only imagine that the reason for the Chancellor's committing that colossal error was that he underestimated the intelligence of the public and of Conservative Members. He will live to regret that, among many other things.

Mr. Clifton-Brown: I wonder whether there is a more sinister point to all of this—disagreement within the Labour party about its social security policy. Perhaps the Minister for Welfare Reform, who has genuinely campaigned in the House for years to look after the low-paid and the disadvantaged, wanted that measure,

but was restrained by the Chancellor from bringing it about. When the Budget statement was produced, Labour Members did not know who would win.

Mr. Davies: I agree with my hon. Friend. Clearly, in this matter, as in others, the Government do not know whether they are coming or going. They do not know whether it is Tuesday or Saturday. We have been waiting for more than six months for a White Paper on stakeholder pensions. My hon. Friend the Member for Cotswold (Mr. Clifton-Brown) reminded me that we had a White Paper on welfare reform at the end of March. It was long on questions and platitudes, but extremely short on answers and solutions. It said that any reforms would be carried out over 10 or 20 years. I suppose that that is the Chancellor's definition of "future", and that everything will now be deferred until after the next and subsequent elections. That is the nature of the Labour Government and how they deal with urgent national problems.

I have not finished dealing with the way in which the Minister presented Government policies. There is a third way in which he was less than absolutely clear with the House and the British public in presenting the effects of the national insurance changes. He said that it was unambiguously good news for employers, or at least for all employers with employees earning less than £500 a week. He must know—in which case he should make it clear—that that is not the position. The provision does not have a straight-line effect.

If the Minister looks at page 47 of the Red Book—I sometimes wonder whether Ministers in this Government bother to read it—he will see chart 3.3, which is very peculiar and compares the effect of the introduction of the new rates of employer national insurance contribution with the current regime. We know that, in respect of employees on more than £500 a week, employers will pay more class II contributions, but some employers will pay more on modest earnings of between £100 and £200 a week. The table is clear: an employer will pay more than under the old regime for an employee earning £150 or £160 a week. However, the employer will pay less for an employee earning £170 or £180 a week.

7.30 pm

The anomalies are extraordinary. It is not true that the measures are unambiguously good news for employers and reduce the burden of national insurance contributions at low levels of income, only to be compensated by an increase at higher levels of employee incomes. There is one message in ministerial rhetoric and in the handout from Walworth road, and another reality in the detail of the Treasury documents.

You, Mr. Deputy Speaker, may think that I have been harsh on the Under-Secretary—after all, he has come to the House only to do his master's bidding—but I have been extremely kind to him, compared with what it is necessary to say about the Chancellor of the Exchequer. The Chancellor may simply have made a mistake. He said "further" when he meant to say "future". In the spirit of generosity that is part of the tradition of the House, we not only take account of that as a theoretical possibility, but hope that it ultimately proves to be the correct hypothesis.

Mr. Duncan Smith: I do not think so.

Mr. Davies: My hon. Friend does not think so, but perhaps he is less generous minded than I am.

Mr. Letwin: Is my hon. Friend neglecting the gyroscopic spinning of the Chancellor's servants? If the Chancellor had made such a mistake, would not Mr. Whelan have been informing the press of the catastrophe in 25 minutes, let alone 24 hours, and asserting that it was merely a slip of the stenographer's hand?

Mr. Davies: I agree with my hon. Friend that that is part of the evidence that there was not a simple mistake. A serious issue is before us, because there are only two possibilities: either the Chancellor made a mistake or he deliberately spoke with forked tongue. It would be extremely serious if a Chancellor of the Exchequer of the United Kingdom had deliberately spoken with forked tongue. That goes way beyond the economic significance of tax changes, issues of mere competence or the attractions and costs of different political programmes to the heart of the integrity of the House, and the integrity of government.

I want fully to consider the possibility that there was a mistake. I am the first to acknowledge that we can all make mistakes or slips of the tongue. I am no less likely to make such mistakes than anyone else, but there is a simple remedy in this place: an hon. Member simply apologises to the House. That is extremely easy to do, and the tradition of this place is that, once an hon. Member has apologised, no further sanctions are called for and the matter is at an end. That has been the basis of the honour of the House of Commons for centuries, as you, Mr. Deputy Speaker, know as well as—indeed, better than—anyone.

The Chancellor never took that opportunity. Instead, he did something extremely serious which, sadly, can only confirm his serious guilt in the matter. He said something in the House and, to cover himself when it became clear that there was a fundamental contradiction between what he had said in the Budget speech and the Red Book, which was issued after it, he had the Treasury put out a completely false version of the text.

We are familiar with Governments in the past—not, I am glad to say, in this country—who have adopted the Orwellian method of retrospectively changing the text of speeches, but I did not expect that in this country in my political lifetime. I have in my hands the text of a press release put out by the Treasury after the Budget speech and after the row had begun. It is identical to the Budget speech in *Hansard* and is headed "check against delivery". We must check carefully when a speech by the Chancellor is delivered or committed to paper. It says:

"Chancellor of the Exchequer Budget speech, 17 March 1998".

I read the speech, and the text corresponded exactly to *Hansard*, until I reached page 13, which states:

"Future reforms will also ensure that no one pays national insurance for the first £81 of their weekly earnings."

[Mr. Davies]

I thought that I must have made a mistake, had a brainstorm or imagined something; indeed, if I had had a dream, it would have been a nightmare.

I looked again at *Hansard*, and the speech refers not to future reforms, but, as we all heard the Chancellor say, to "Further reforms". That is a very serious matter. Although the incident is a credit to the integrity of *Hansard*, the Government, unlike some totalitarian regimes, are not in a position retrospectively to doctor *Hansard*. Nevertheless, the Treasury saw fit to put out a document purporting to be an exact text of the Budget speech. One key word had been changed, which, I fear, is evidence that there was no mistake made in good faith, but a deliberate attempt to disguise reality—to speak with forked tongue. I am being very careful, Mr. Deputy Speaker, not to use an unparliamentary expression.

Mr. Deputy Speaker: Order. The hon. Member for Grantham and Stamford (Mr. Davies) is being very careful. I shall not ask him to withdraw the words "forked tongue", but I ask him to be careful in choosing his words.

Mr. Davies: If hon. Members have not got the point by now, they never will.

The Government can do only one thing to undo the damage that they have done to their credibility by behaving in such a way. They must, even at this late date, make a full and grovelling apology for this attempt to pull the wool over the eyes of the British public. It was doomed to failure, because they misunderstood and underestimated the intelligence of the British people, and the fact that the Opposition were wide awake and would not let them get away with it.

Mr. Clifton-Brown: My hon. Friend the Member for Grantham and Stamford (Mr. Davies) is in good voice and form this evening, and he has made many telling and interesting points. His main point is that the Government's left hand did not know what the right hand was doing, because it is clear that the Government had a genuine intention to remove from the national insurance net those people who earn less than £81 per week.

I mentioned that dichotomy in my speech on Second Reading of the Finance (No. 2) Bill and I quoted the relevant passage from the Chancellor's Budget speech. It is worth repeating that again, so that the House can be crystal clear about what exactly the Chancellor said. He said:

"Further reforms will also ensure that no one pays national insurance for the first £81 of their weekly earnings."—[*Official Report*, 17 March 1998; Vol. 308, c. 1106.]

That cannot be made much clearer—the crystal clear import of that statement is that anybody earning less than £81 per week would not pay national insurance. However, as I pointed out to my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith), paragraph 3.31 of the Red Book states:

"The lower earnings limit for employees will remain unchanged (at £64 in 1998-99)."

Therefore, either the Chancellor was right or the Red Book was right, but they could not both be right.

What is so tragic and so dreadful about all this is that it is the low-paid who are being misled—inadvertently—by what the Chancellor said on Budget day. That is cruel. If it had been you or I, Mr. Deputy Speaker, who had to suffer a pound or two more paid in national insurance, we should have been in a position to pay that increase.

Mr. Swayne: Speak for yourself.

Mr. Clifton-Brown: If my hon. Friend were earning less than £81 a week and suddenly expected to have a little more take-home pay, he would have been absolutely delighted by what the Chancellor said, but he would have been dreadfully disappointed when it subsequently came to light that he had not quite understood what the Chancellor really meant.

I am on serving on the Standing Committee on the Finance (No. 2) Bill and members of that Committee have discovered that that Bill provides for an unprecedented transfer of secondary powers to Treasury officials. For example, clause 158 provides that all the necessary regulations connected with the implementation of the single European currency can simply be delegated to Treasury officials by secondary legislation. The Bill before us now similarly transfers huge powers to officials by secondary legislation. The message is that if the Chancellor cannot get it right on Budget day, it will be put right subsequently by secondary legislation.

That is a highly unacceptable way to go about these matters. It is a complete abrogation of the sovereignty of the House of Commons. We are here and, over the centuries, we have been given the power, enshrined in the Parliament Act 1688, to be the money-granting authority. There is no higher money-granting authority than the House of Commons. To abrogate that responsibility by secondary legislation is unacceptable.

Mr. Swayne: Does my hon. Friend accept that this amounts to something approaching the continental pattern of government by decree? Does he agree that it represents a complete negation of the achievements of the Chartists, who saw the question of the suffrage as a knife-and-fork question, a bread-and-cheese question?

7.45 pm

Mr. Clifton-Brown: I totally agree with my hon. Friend. It is an abrogation of the achievements not only of the Chartists, but of the Long Parliament of the 13th century. Throughout the long history of Parliament, the House of Commons has had primacy as the money-granting authority. Here we have a Government, in an unprecedented way, transferring powers to officials in the Treasury, whereas we in this place should be ensuring that such measures appear in primary legislation and are subject to the full glare of scrutiny, both here on the Floor of the House and upstairs in Committee, so that when things are not as they should be, the Opposition—and, I have no doubt, the Labour party when it goes back into opposition in due course—have the opportunity to correct the Government of the day.

The Government may well rue the day they embarked on the process of a huge transfer of power, because, having transferred it to Treasury officials, they will find it hard to claw back. Ministers do not have the proper scrutiny and control over secondary legislation, and we find that that control slowly slips still further towards Europe. That is a wholly undesirable state of affairs.

Much more importantly, I dislike the whole concept of national insurance. What we should do is abolish national insurance altogether and put it totally on income tax and corporation tax. That is a much fairer basis for taxation, because those are properly progressive taxes. Paragraph 3.30 of the Red Book reveals the huge distortion caused by the national insurance system, which the Conservative amendment made in the Lords started to address. To be fair, the Government have recognised that.

It is worth noting, because it is at the heart of this debate, that paragraph 3.30 states:

"The current structure of NICs bears particularly acutely on the low-paid and discourages job creation at the lower end of the earnings distribution. Steps in the structure of national insurance, whereby a one penny increase in pay can trigger an increase in NICs of up to £6.30 a week".

In other words, a 1p increase in pay can trigger a 630 per cent. increase in tax. If that is not a massive distortion in the tax system, I do not know what is. Paragraph 3.30 says that the structure of NICs

"distorts the labour market, discouraging progression up the earnings ladder. These distortions are greatest at the lower earnings limit".

To raise that lower earnings limit immediately and not wait a whole year is precisely the point of the Conservative Lords amendments. Paragraph 3.30 says that

"a rise in earnings from £63.99 to £64 a week triggers a NIC charge (the 'entry fee') for employees of £1.28 and for employers of £1.92 a week",

and says that that is

"one of the last remaining causes of people being worse off when they earn more."

That should be eliminated for ever, and thank god when it happens.

I support the Conservative Lords amendments, because of that distortion and that huge disadvantage for the low-paid. My own Government should have put it right years ago. I urged my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) to do that when he was Chancellor and I am sure that, had the Conservative Government been returned to office, he would have paid close attention to the problem.

Considering how much the Government have been able to reduce this country's debt burden, one might have thought that they would be prepared to spend £1.4 billion—which they have committed themselves to spending next year in any case—on helping some of the lowest-paid people in our society who are living in the most appalling and mean conditions. One might have thought that the Government would be only too anxious to introduce that measure as quickly as possible. The amendments are wholly right and I urge the Government to take them away, look at them on behalf of the low-paid, some of whom can hardly afford to feed themselves, and see whether they cannot be more generous and enact the provisions immediateiy.

We all recall that for employees earning more than £81 a week, the employer's rate will be increased to 12.2 per cent. The Red Book makes an interesting point about this, saying:

"The employer package is revenue-neutral, so that the burden of employer NICs as a whole will remain unchanged."

There is no reason why the employer changes could not have been made immediately.

It is reprehensible that rather than the measures being included in the Finance Bill—as they would have been in the past—they have been tacked on to a measly Social Security Bill at the eleventh hour.

This demonstrates all too clearly that the present Government do not know what they are doing, and did not think the matter through before introducing a Budget.

The Standing Committee considering the Finance Bill is finding serious flaws in nearly every clause, because the Government have not consulted those who are most involved: tax practitioners, accountancy bodies and lawyers. If they had done as we did when we were in government, and taken the trouble to consult such experts—which, frankly, is the only correct thing to do—they might have produced a rather more orderly Bill, and might have avoided some of the more elementary errors.

I have written a paper on the reform of the state pension. The general issue of pensions is directly relevant to the change in national insurance contributions proposed in the excellent Lords amendments. One of the core problems encountered by the Minister today was how he could make up the amount if the lower earnings limit was raised from £64 to £81 a week. In my paper—which I submitted to the Minister for Welfare Reform, as a contribution to his White Paper and his review of the pensions system—I proposed a credit for all low-paid people, all people who were out of work and all working housewives who were earning less than the national insurance lower earnings limit. I feel that people who would normally expect such a credit should receive it, and that there is no reason why the Government cannot compensate for the rise in the lower earnings limit.

It is clear from the demographic trends that if nothing is done about the state pension, it will wither on the vine. When the time comes for me and you, Mr. Deputy Speaker, to retire—in many years' time—we shall suddenly find that the state pension is worth considerably less than it is now in real terms. The Government will have to deal with that problem; otherwise, it will cost all of us who are in work a good deal of money.

Allied to that problem is the problem of the state earnings-related pension scheme. We must encourage all people of working age, especially young people, to take out a second pension—through the national insurance system, if we must do that, or, in my book, through the income tax and corporation tax systems. We must provide a mechanism to make that possible. I think that the Minister for Welfare Reform wants that as well, but that the Chancellor has imposed a constraint because of the cost involved.

The Government must tackle the issue of second pensions. If they do not, they will be chucked out, and a future Conservative Government will have to tackle it. The abolition of advance corporation tax credits suggests to me that the Government are not interested in people's ability to retire with a decent pension and with dignity. As a result of 18 years of excellent government by the Conservative Administration, more than 50 per cent. of people retired with some form of second pension. That was a worthy achievement. People who have their own pensions can choose how to spend their money in their old age, and are much less dependent on the state. In this and other measures imposed in the previous and current

[Mr. Clifton-Brown]

Budgets, the Government are driving people into increasing dependency on the state. They want to level everyone down to the lowest common denominator.

I was sent here by my constituents to improve the lot of everyone in the country, including the lower-paid and, in particular, pensioners—especially pensioners who have little money and rely on benefits. I want future generations not to have to rely on a measly state pension topped up by some form of benefit; that is a disgrace to society, with which any well-meaning Government should try to deal.

I have drawn attention to the distortion involved in the marginal rate of tax which is shown in the Red Book. An increase of 1p in someone's income can result in an effective national insurance increase of 630 per cent. The Government should do something about that: if they are not prepared to, they should consider themselves an utter disgrace, and the sooner they are chucked out because they are uncaring, the better.

Mr. Rendel: I hope that the tone of my speech will be more tolerant than that of the last two speeches.

I sympathise to an extent with the view expressed by the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) and others; it is odd that such a major part of the Budget should be introduced in the form of a Lords amendment to a Social Security Bill. I think many people would consider it an unusual and, in some ways, undemocratic way of making a major alteration. In that respect, I have some sympathy with the Conservative party.

It must be said, however, that the Lords amendment was introduced because a large number of hereditary peers outvoted peers who were not hereditary. Conservative Members have referred to abuses of the parliamentary system; surely that is an abuse considerably further up the scale than anything that the Government are trying to introduce, or any method that they are attempting to employ.

Many people outside would think it a rather odd use of parliamentary time to engage in what will probably be three and a half hours of debate about whether the Chancellor said further or future, whether the change was the result of a slip of the tongue or was introduced deliberately and how the two words came to be muddled up—and, indeed, the exact meaning and implication of the two words. People might consider it not entirely sensible for those who have been sent here to represent their constituents to engage in such a debate.

Mr. Duncan Smith: Having recalled the Budget debate and the subsequent media coverage, does the hon. Gentleman not see that there was a clear recognition that changes were made that were relevant to employees? The public would have understood that because of what they read and listened to. The coverage that took place in the 24 hours, or perhaps two days, after the Budget speech is what people will have absorbed most; that is what will have given them an understanding of where the Government were going. There is nothing unintentional about that.

Mr. Rendel: I do not deny for a moment that people probably gained an impression—which was not to be realised in practice—of what the Chancellor intended. Perhaps we are all to blame for not pointing out how wrong, or how misleading, the Chancellor had been.

Let me make what is perhaps an even more important point. I am surprised that the main Opposition party makes such a fuss about the matter. Surely one of the things that put people off political parties is finding that they have been misled. I would expect the fact that many people who expected their national insurance contributions to fall have found that they have not fallen to be very damaging to the Government. I would expect the fact that the Government were able to mislead people in the short term to be to their disadvantage, and I am surprised that the Conservative party is complaining.

Mr. Quentin Davies: I entirely agree that trying to deceive the British public is not good politics and that the Government will pay a price for it. The important thing about the word that was used is not whether the Chancellor said future or further but why, having said the one, he then tried to make out that he had said the other. It is the cover-up which is sinister and which requires an explanation from the Government.

Mr. Rendel: I have no idea whether it was a slip of the tongue or deliberate, and I do not think it desperately important. The fact is that the public were given one impression, only to find now that it was wrong. They will take against the Government for that reason. I should have thought the Conservatives would be pleased about that instead of castigating the Government so much for it.

The increase in the lower earnings limit is welcome, whenever it comes. I sympathise with Conservatives who find it disappointing that it is not to happen in the first year. We, like everyone else, are disappointed by that.

Mr. Swayne: Does the hon. Gentleman agree that any reading of the Red Book suggests that the change is never to come?

8 pm

Mr. Rendel: The Red Book appears to give no indication of it, but that does not mean to say that it will never come. There is every impression that the Government still intend to introduce the change at some point. The Red Book comes out each year; if the Government intend to effect the change next year I expect them to change the Red Book then.

Our original criticism—the Chancellor certainly hoped to overcome it—concerned the difficulties caused for those who no longer pay contributions in terms of their rights to contributory benefits. When the changes are made, it is critical that, alongside them, changes to eligibility for contributory benefits are also made. People who no longer pay national insurance on the lower part of their income should retain their rights in that respect.

One of the most widespread criticisms of the welfare system is that benefits are sometimes not provided for those who most need them, maternity benefits being a case in point. Women on the lowest pay tend to be those who have to go without the benefits, which to most people seems absurd. The fact that the system is contributory has done the damage and has led to a great deal of justified criticism.

If we are to change the threshold at which contributions are paid, we need to overcome the difficulty I have described by making the necessary other changes alongside. That is why it is right on this occasion to support the Government's amendment—the two measures must go through together. They will both be welcome; I hope that they will be put into effect as soon as possible. The Lords amendment would prevent that, which is why it is important to amend it in the way the Government propose.

Mr. Swayne: I fear that I shall be unable to match the passion and anger of my hon. Friends the Members for Grantham and Stamford (Mr. Davies) and for Cotswold (Mr. Clifton–Brown). My heart is filled more with disappointment than with anger. I regard it as a bit rich of the Under-Secretary to accuse my party of irresponsibility and of being precipitate in our haste to bring in the Chancellor's plan to change the lower earnings limit to £81. We have been accused of not thinking the issue through properly and of not giving sufficient consideration to its financing or the rules protecting the benefit rights of those who would be affected.

The Red Book trumpets the reform as the most radical reform of national insurance since 1975. The trouble is that tagging it on to this and subsequent amendments severely restricts the time available for scrutiny and consultation. It is therefore a bit rich of the Government to accuse us of irresponsibility for opposing amendment (a).

My hon. Friend the Member for Cotswold has already pointed out that the amendments contain a range of open-ended powers that enable the Government to make changes subsequently, without reference to legislation.

Mr. Letwin: Does my hon. Friend agree that that is characteristic of the Bill and that such general powers are to be found throughout it?

Mr. Swayne: It is also characteristic of the Finance Bill. My hon. Friend the Member for Cotswold was right to correct me when I drew attention to the Chartists and their desire for no taxation without representation. That question goes much further back, to the Long Parliament, when ship money was the issue at stake. The Executive was raising taxes without the authority of the Commons. That led to the grand remonstrance, which in turn led to a complete change in the polity of this nation over 20 years during which the governance of the country was turned upside down.

Mr. Letwin: Would my hon. Friend agree, on reflection, that there is a remarkable similarity between Dr. Prynne, of ship money fame, and Mr. Whelan?

Mr. Swayne: That is a pertinent point. Ship money was actually a very fair tax, subsequently imposed by Parliament itself during the interregnum. The basis on which it had been calculated was fair and proper. What was wrong with the tax, just as with these arrangements, was that it did not have the proper authority of Parliament—at least not under Charles I.

I want to move on some 400 years now, to Lords amendment No. 64. My constituents thought that the Chancellor was raising the lower earnings limit for national insurance contributions to £81 a week—as witness column 1106 in *Hansard* for 17 March. My constituents can hardly be blamed for doing so: their representative sitting here during the Budget statement also thought that that was what was going to happen. I was thinking about the interview that I had agreed to give subsequently to Meridian Television, and my mind was concentrated on that. I heard the Chancellor's message with mixed feelings. My natural elation at the beneficial nature of the change was tempered only by my nervousness at knowing that I had to face the cameras and pour cold water on the Budget statement. Those contrary emotions rivalled one another.

The Under–Secretary will remember the interview well, because he shared it with me. He will no doubt recall my nervousness and inability to make up my mind one way or the other about the Budget. Had I had the benefit of the subsequent revisions and the gloss that has been put on that statement, I might have made a better fist of the interview.

Equally, my constituents could not be blamed for thinking that the lower earnings limit for national insurance contributions was to be raised to £81 because a disproportionate number of them read *The Daily Telegraph*, on the front page of which it was headlined on 18 May. For those few corporate bureaucrats who persist in reading the *Financial Times*, it was in that as well. My constituents were given the clear impression that the lower earnings limit was to rise to a new limit of £81 and, of course, much joy attended that announcement.

As my hon. Friend the Member for Cotswold has said, that would have had significant advantages for all people on lower incomes, particularly those who might properly be considered to move within what has often been characterised as the unemployment or benefits trap. Now they discover that this is a measure for the future. It is to be jam tomorrow, or, more properly, as any examination of the Red Book will reveal, beyond tomorrow—not so much jam tomorrow as the people's strawberry jam having been adulterated with wooden pips by the Chancellor himself.

Frankly, I would prefer the Budget as it was originally given by the Chancellor. That is why I wish to vote against Government amendment (a) to Lords amendment No. 64: to keep the Budget as it was and to preserve the Chancellor's original intention. The Under–Secretary has said that it is most irresponsible of us to do so. He has referred to the huge hole in the finances that will emerge as a consequence.

Perhaps I might be permitted to express an entirely personal opinion. It is my view that the Chancellor's Budget may have significantly overtightened the fiscal stance beyond what is advisable and that we might be thankful of a loosening of some £1.4 billion in the months to come, bearing in mind the significant difficulties in which the manufacturing sector already finds itself, so I reject any argument of irresponsibility that the Under-Secretary makes on the ground of fiscal loosening.

The Under-Secretary has said that we are irresponsible in that we have not properly thought through the protection of the rights of people who will benefit from this measure—the protection of their rights to benefit.

Mr. Clifton-Brown: One of the benefits of having to sit through these long debates is that one has an

[Mr. Clifton-Brown]

opportunity to scrutinise the Government's documents more carefully. My hon. Friend referred to a fiscal tightening in the Budget; there is no question but that it is a fiscal-tightening Budget. Is he aware of paragraph B.19 on page 116 of the Red Book, which clearly states:

"Net tax receipts are projected to grow by 6 per cent. in 1998-99, rather faster than money GDP"?

That absolutely goes to prove that this is indeed a severe fiscal-tightening Budget.

Mr. Swayne: I thank my hon. Friend for that intervention. I fear that I do not have his eye for detail or his intellectual rigour in examining these things. I read the Red Book as an amateur, but, without being able to refer to chapter and verse, as he has done, I could clearly see that there was scope for a more generous fiscal stance in the Budget. It was certainly my belief that it was desirable to do that. I am deeply fearful of the consequences of our fiscal stance; I have already referred to the situation that the manufacturing sector faces. I reject entirely the argument that, in proposing this measure, we are being fiscally irresponsible.

8.15 pm

We have been accused of irresponsibility over the protection of social security benefits. I sat here on this Bench listening to the Chancellor's statement. He said that social security benefits would be protected. We now discover that he said so irresponsibly, according to the criteria that were defined by the Under-Secretary. The Chancellor had not, it appears, thought through the means by which the benefits would be protected, so if I and anyone else looking to vote against amendment (a) are to be accused of irresponsibility, the same applies to the very statement that the Chancellor made.

I cannot be expected to run the country from the bottom, but I can be expected to vote for the Lords amendment and, in so doing, put proper pressure on the Chancellor to think through how these benefit rights are to be protected while a fiscal hole appears in his Budget arithmetic.

Mr. Letwin: I should like to discuss three issues. The first relates closely to the powerful speech by my hon. Friend the Member for Grantham and Stamford (Mr. Davies)—I thought that it was one of the most bravura performances that I have heard since coming to the House—but takes his argument one stage further. It relates to the point that the hon. Member for Newbury (Mr. Rendel) raised: why are we concerned about further-future dispute, the minutiae of *Hansard* against press releases and so forth?

To answer that question, one has to consider a further question—perhaps I should say the future question. What was it that the Chancellor and Mr. Whelan between them were trying to achieve by the manoeuvres, first, of raising expectations, secondly, of fostering the raised expectations by not spinning to deny them and, finally, of denying that the expectations had ever been raised by issuing a press release, which, so to speak, retrospectively uncorrected the statement?

What was the purpose of that? It is a strange set of occurrences. We have to inquire of two highly intelligent and experienced people—the Chancellor, perhaps the most experienced and intelligent member of the Government, to judge by much of what has been said about him; and a man who is regarded as the rival of the legendary Mr. Campbell in his management of the press. What did those two highly intelligent and experienced people seek to achieve by those manoeuvres?

I cannot bring the power of analysis that my hon. and, I would say, learned Friend the Member for New Forest, West (Mr. Swayne) has brought to the historical exposition of the matter. I cannot be expected to be certain of this highly speculative inquiry, but I do think that there is a likelihood—a strong and serious likelihood—that what was going on was a conscious attempt to try to make the British public attend to one item, in order to make them attend less to other items in the Budget.

I may be wrong. I would be happy if the Minister were to contradict what I say, or if subsequently, his hon. Friends were to deny it, but that must be—stripping away all the rhetoric and politicking of this place and places outside—the most likely explanation of what was being done. It was hoped that the British public could be persuaded that there was something so nice in the Budget for them, alongside all the other goodies—

Mr. Swayne: Could it possibly have been that the Government hoped that the public, thinking that there was to be a raising of the lower limit of national insurance contributions, would be so blinded by that that they would not notice the abolition of retirement relief on capital gains tax, which has cost a constituent of mine—of very modest means—a staggering £55,000?

Mr. Letwin: My hon. Friend may be right in suggesting that the Government wanted to throw that item into low relief, but the Budget contained other such items—for example, it made it less favourable to be married. The Government presumably did not want the public to concentrate on that, either.

Miss Kirkbride: Would my hon. Friend speculate on matters between Mr. Whelan and Mr. Campbell? I am not sure that Mr. Campbell would be pleased by my hon. Friend's suggestion that it was all Mr. Whelan's idea and therefore had not come from the Prime Minister's office.

Mr. Letwin: My hon. Friend is taking me dangerously close to deep waters with thin ice over them. I fear that the Chair would call me to order if I indulged in further speculation about the liaison between Mr. Whelan and Mr. Campbell—which is, indeed, most interesting. I will let the matter rest on the naive supposition that we are dealing here merely with the Chancellor and Mr. Whelan, and their motive.

Whether it was the particular measure mentioned by my hon. Friend the Member for New Forest, West or other measures, as in any other Budget, this Budget contained measures which the Government did not wish the public to spend much time thinking about. However, there were also some measures that they did wish the public to think about, and they threw those into high relief. I do not think that it is any coincidence that the points made by my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) about what appeared not just in the press, but on the front pages, were the very matters that we are now discussing. I do not think that it is an accident,

because I attribute to Mr. Whelan—not to mention Mr. Campbell—the greatest possible dexterity in steering editors towards those items that the Government would like to see on the front pages, and away from those that they would not like to see. That is not always successful, as is the case with the Foreign Secretary at the moment—

Mr. Duncan Smith: Does my hon. Friend think that had a front-page item appeared that the Government thought was not favourable, they would have let it stand and let the media commentators pursue it, enlighten the public and take it further? Or does he think that they would have used their undoubted arts to stamp on it, get rid of it, get the paper to retract it, or even go so far as expecting it to apologise for referring to it?

Mr. Letwin: Good heavens, the Government would have been there in a trice. The whole formidable armoury of their technology and their Government machine would have enabled them to clamp down on such a story in an instant. That is well established. In fact, the Government fostered the measure on to the front pages to distract attention from other items.

The hon. Member for Newbury (Mr. Rendel) is sitting in his place with his customary courtesy, but looking for all the world as though this is a ludicrous diversion. Why, he wonders, are we concentrating upon such a matter? It is because it tells us something about a process which even the hon. Gentleman, to do him justice, thinks a little strange—the process which underlies this group of amendments, which the Government introduced in the other place. The Chancellor, most remarkably, is attempting to enact a major part—indeed, a signal part—of his Budget without reference to this House until a very late stage, and then only for a very short debate, by means of introducing in the other place a series of amendments in a quite different Bill.

There is a profound link between the strange manoeuvrings of the Chancellor, with his fervour, and Mr. Whelan, with his fostering of the fervour and of the mistaken impression, and Mr. Whelan's subsequent future, and the process of going behind the back of this House and into another place to legislate. That profound link is that both are evasions of the parliamentary process. Both are means by which, instead of exposing issues to the full glare of debate in this House in an open fashion so that the public know what is happening, the issues are concealed—the issues that the Government do not wish to be dealt with in this House and before the public. They have arranged matters so that a few people, latish in the evening, are debating serious matters, preferably without attention, following a great splurge of publicity in which the pubic have been misled—consciously misled by the fine arts of Mr. Whelan—into believing that something very nice is being done for them.

I accept the point made—very poignantly, as always—by the hon. Member for Newbury that if we were an unprincipled and unscrupulous Opposition, all this would be a delight to us in one respect. After all, the next election is not won today or tomorrow, so it should be a delight to us—and, presumably, to the hon. Gentleman and his colleagues—that the Government will eventually be found out by the very many people who expect to benefit from a very nice benefit, but who, in the event, will not get it for the foreseeable future.

In fact, it is not a delight to us to be in circumstances in which the Government treat the House with such contempt that they do not mind using a statement in this House—above all, a Budget statement—purely for the purpose of manipulating the press, and then subsequently using a parliamentary device to minimise debate on a crucial measure that raises vast sums of money and has a great impact on the tax and benefit system.

That is not a trivial point; it is one of the utmost seriousness. I admit that there is an element of frivolity and amusement because we are able to attack a Chancellor who is not present, but the point underlying this debate is deadly serious and deserves to be answered. It was not answered in the Under-Secretary's opening remarks. I do not know whether the Minister for the Environment, who is now sitting on the Front Bench, or the Under-Secretary will answer it, but I hope that someone will—

Mr. Swayne: Will my hon. Friend reflect on the fact that where the Government have introduced very significant tax-raising measures, that has been done in a complicated way that has ensured that no one has noticed, but that where they have introduced measures that amount, in effect, to a giveaway, their approach has been quite the opposite?

Mr. Letwin: That is exactly the point that I am making. The contrast is between that which appears to be done in the light and that which is done, as far as is possible, in the dark. That is not the way to conduct government.

My second point relates to a matter raised by my hon. Friend the Member for New Forest, West in response to a serious accusation made by the Under-Secretary. The hon. Gentleman described the efforts of our noble Friends to amend the Bill, in the way that the Government's amendment would reverse, as irresponsible. As my hon. Friend pointed out, there were two elements to the accusation. One related to what was said to be the irresponsibility of not correcting the problems associated with the contributory principle—the problems for people who would otherwise lose their benefit—as part of raising the lower earnings limit.

The hon. Member for Newbury is learned in these matters and he spoke about them at great length in Committee and elsewhere. He pointed out his distaste for the contributory principle, at least so far as it affects people lower down the chain. He was making the argument—I hope that he will intervene if I am misrepresenting him—that people on lower earnings should not have to contribute in order to qualify for some of the benefits which, currently, require contributions in order to qualify. That is a serious argument and it may, in part, be right. However, that was not the substantive issue that the Under-Secretary raised. His argument was that we had failed to allow for the fact that it would take a long time to sort out—mechanistically, legally and through legislation—the problem that would arise in trying to protect the benefits of people below the £81 limit but above the £64 limit if amendment No. 64 were introduced without other changes.

The Under-Secretary of State for Social Security told the House that it was impossible—I am not sure that he used that word, but that was certainly the burden of his remarks—for the Government to introduce appropriate provisions in the other place. The fact is that, at that very

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time, the other place was itself producing a vast array of measures. The "Lords amendments to the Social Security Bill" is a huge document. Although I am not an experienced parliamentarian, I have not, since being elected to the House, seen anything like that number of amendments. After speaking to other hon. Members who are much older and more experienced than I am, I have been assured that the number of amendments in this group of Lords amendments is wholly exceptional.

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The Government were therefore tabling in the other place a vast array of technically complex amendments. They took months and months to do so. In Committee, we ended discussion on the matter months ago, but it took months for the issue even to reach Second Reading in the other place—although the Government had ample opportunity, if they so wished, to ensure that that happened earlier. The Government took their time on this measure.

The Under-Secretary was trying to tell the House that, in all those months, it was impossible for the Government—with all their ingenuity, and with all their officials supporting them; after they had, as my hon. Friend the Member for New Forest, West said, considered the issues sufficiently to allow the Chancellor to make the statement that the benefits would be protected—to find a way of dealing with the problem of people who are below the £81 and above the £64 limit, and who should continue to be entitled to have their benefits.

Mr. Clifton-Brown: I wonder whether my hon. Friend agrees that the genesis of the problem was the pledge made by the Labour party during the general election that it would not increase income tax? Having put themselves on that specific hook, they were unable to introduce measures that would have been wholly popular and helped some of the lowest paid and most vulnerable people in our society.

Mr. Letwin: I am grateful to my hon. Friend for his intervention. I shall deal in a moment with that matter, which is the second part of the gravamen of the attack made by the Under-Secretary—which was to do with whether a surplus was available for distribution. We will come back to that matter.

I should like to continue on the question of whether the Government could have produced mechanistic devices to remedy the problem of entitlement to benefit for those between the current and proposed lower earnings limits.

Mr. Desmond Browne (Kilmarnock and Loudoun): As entertaining as this discourse is, does it not substantially misrepresent the Minister's argument, which is that the Chancellor's view is that this is not the appropriate time to be making such changes? The Minister's view was not that it could not be done, but that it would take time. He also said that the Chancellor had decided that this was not the appropriate time to make the changes, and that it was the Chancellor's prerogative to decide on the appropriate time.

Mr. Letwin: I shall deal with precisely that point in the second part of my remarks. I agree that that was part of what the Minister said.

Mr. Browne: It is what he said.

Mr. Letwin: No, it was not. If the hon. Gentleman reads *Hansard* tomorrow, I think that he will find that the Minister made two points. I took careful notes of what he said. The first point was that there was not time to consider what would have to be done about the very specific problem of benefit entitlement. Secondly—exactly as the hon. Member for Kilmarnock and Loudoun (Mr. Browne) said—he asserted that it was the Chancellor's prerogative to decide whether the money was available.

Mr. Browne: On this occasion, I intervene not because the hon. Gentleman has misrepresented the Minister's comments but because he has misrepresented mine. I reminded the hon. Gentleman that the Minister said that it was the Chancellor's prerogative to decide when the time was right.

Mr. Letwin: I agree that that is exactly what the hon. Gentleman said, and I shall deal with exactly that matter of whether the Chancellor should have taken that decision. However, that was only half of the Minister's argument; the other half was about insufficient time to make the change on benefit entitlement.

It is not only a matter of the Government not mustering the resources to make the change—although I am somewhat surprised about that—because the matter is much more serious than that. At least pro tem, the change could have been made with little difficulty. It certainly would not have required a Bill as large as the Social Security Bill, or such a vast array of Lords amendments.

The Government could have simply introduced a straightforward amendment, allowing it to be "deemed"—a simple word which the Government have used repeatedly in the Bill, and elsewhere—that people who had not made their contributions, but whose incomes lay between the earlier and later earnings limits of £64 and £81, had made such contributions as they would have made regardless. I do not say that that solution is perfect. It may be that, over time, the ingenuity of officials and Ministers would lead to a superior solution.

Mr. Rendel: If, as the hon. Gentleman says, it would have been comparatively simple to have done that, why did not he or other Conservative Members table an amendment to that effect for this debate?

Mr. Letwin: We did not table such an amendment because of the problem of trying to table amendments at this stage.

Mr. Rendel: It is possible.

Mr. Letwin: Had I realised that it was possible, I would have done it.

The serious question is why our noble Friends did not table an amendment in the other place during their consideration of the Bill, when, manifestly, it could have been done. I know, from discussion with those who were responsible, why it was not done. I believe that our noble Friends concluded that the Government were never planning on accepting Lords amendment No. 64. My noble Friends' sole reason for forcing the amendment through in the other place was to make the point—when the Bill was considered in this place, so that debate was focused on the issue—that it is the proper prerogative of the House to debate money issues, and that it is quite wrong that such a provision should go through on the nod in another place.

It would have been perfectly appropriate for my noble Friends to table a deeming amendment, but it was not necessary for them to do so to achieve their objective. However, it is something which the Government could have done. If Ministers had said—there were repeated discussions on the matter—"We accept the burden of the amendment. We should like to table, by agreement, a further amendment deeming a benefit entitlement", I do not suppose—and I do not suppose that the hon. Member for Newbury supposes—that my noble Friends would have objected to it.

Such an amendment would have been acceptable and would have done the job, although perhaps not perfectly. Nevertheless, the possibility utterly kiboshes the Minister's assertion that there was insufficient time to make the change. There was time to do so. An amendment would have taken less than half an hour to draft, and less than half an hour for the House to pass. It would also have been acceptable to those tabling the amendment.

Why was such an amendment not tabled? One was not tabled—taking us back to the earlier assertions—because the entire procedure was so bizarre. The Government had no intention of allowing such a change to occur at this time—which takes us to the very point made by the hon. Member for Kilmarnock and Loudoun which I now propose to deal with.

Mr. Clifton-Brown: I wonder whether my hon. Friend agrees that part of the difficulty in developing the type of credit system that I mentioned in my speech is the knock-on effect of the gateway benefits that it would involve, such as housing benefit, council tax reduction benefit and other benefits? It is therefore not simply a matter of giving credits to those earning between £64 and £81 a week.

Mr. Letwin: I have given some thought to that matter, both during my hon. Friend's speech and before it, when considering the question of deeming. I do not think that a deeming clause would have had that effect, although I stand to be corrected by the Minister. My understanding is that passporting arises only when a benefit that carries a passporting entitlement is introduced. If what is deemed to have occurred is a contribution, I do not think that passporting arises. I may be wrong, but I think that is how it would work. The Minister will no doubt correct me if I am wrong.

We come now to the real question. I have taken care to dismiss the first part of the Minister's argument, which leaves us solely with the second. The argument has to be that we are irresponsible in having fostered the amendment because the Chancellor of the Exchequer, in his wisdom, has decided that now is not the time for this policy—not, I stress, that it is a good policy made bad, as the Minister mentioned, because it could be unmade as a bad policy and made back into a good one by the simple deeming clause. No, the argument has to be solely that the Chancellor of the Exchequer, in his wisdom, has decided that now is not the right time to have introduced it; it is irresponsible on our part, it is alleged, to introduce what is effectively a spending measure, or negative revenue measure, at a time when the Chancellor has decided that it is not right to do so.

Mr. Browne: I greatly enjoy the hon. Gentleman's contributions although they always remind me of an Easter egg—they promise much in the packaging but have very little in the way of substance.

The criticism of the amendment from those on the Government Benches is not of the irresponsibility that the hon. Gentleman and his Front-Bench colleagues have locked into the Chancellor's thinking but of the irresponsibility in tabling such an amendment without facing up to its consequences. The amendment would generate a hole of £1.5 billion in revenue and would have consequences for the lowest paid, but the official Opposition are not prepared to face that.

Mr. Letwin: I am grateful to the hon. Gentleman for the kindness of his remarks about my speaking style and the substance of my speeches and also for making his point as he does, because his comments expose the problems with the arguments deployed by Labour.

We have already dealt with the question whether the amendment would cause a problem for the low-paid—with the deeming clause, it would not. The question is whether we are accused of being irresponsible in bringing forward a negative revenue measure at a time—the hon. Gentleman was very keen to point out in an earlier intervention that he was talking about timing and the Chancellor's view of timing—when the Chancellor does not regard it as sensible; or whether, according to the hon. Gentleman's new variant, we are irresponsible in bringing forward a negative revenue measure without proposing how to fill the gap. I shall deal with the first part first and the second second; if the hon. Gentleman has, by then, thought of a third variant, perhaps we can deal with that.

It is no part of the duty of the Opposition to be in sync—to use a ghastly phrase which has been used in my hearing by the Chancellor—with the Chancellor. The Chancellor has his views on timing and we have ours. That argument can be laid to rest.

The serious argument is the second variant deployed by the hon. Member for Kilmarnock and Loudoun although not, I think, by the Minister. I may be wrong about that; when we inspect *Hansard*, we might find that he did mention it and I did not hear him. The hon. Gentleman asserts that there would be a £1.4 billion hole in the Budget if this measure were introduced. He is no doubt extremely acute in matters of the economy and therefore needs to consult only the productions of his own Government which daily tell us about the Chancellor's surplus.

This is a Chancellor of the Exchequer who, for one reason or another—one may say it is through good planning, through inheritance or through luck—is in the

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extraordinary position of having the terrible problem of what to do with all his money. He is collecting far more that he ever dreamed of. He is reducing the national debt by an extraordinary proportion. The previous Government had to do things which the then Opposition said was selling the family silver to reduce the debt to a similar extent. Although the Chancellor's privatisation programme, such as it is, is failing at the moment, he is nevertheless able not only to fill gaps and plug holes, but to remove great swathes of the national debt. Where is the hole?

If I may presume, I shall set out for the hon. Member for Kilmarnock and Loudoun what should have been his argument—the third variant.

Mr. Denham: Just out of curiosity, is the view that the hon. Gentleman is advocating on the question of the public finances that of the official Opposition?

Mr. Letwin: Unfortunately, neither the current shadow Chancellor nor the previous Chancellor is currently the Chancellor, but the previous Chancellor has said many times that were he Chancellor, he would not have stuck in an extraordinarily rigid fashion to every item among his own projections, which is what the Government are intending to do. I have no way of knowing what would have been the case, but I know that a great pile of money is sitting there. We are not talking about a cash shortage.

The serious argument, whether deployed by the Minister or the hon. Member for Kilmarnock and Loudoun, is very clear. They must be asserting not that there is a hole in the Budget but that serious macro-economic consequences would arise from a decision to produce a revenue negative measure of this scale on top of what is already produced. That must be the shape of the argument. They did not put it that way, but it must be what the Government are asserting. It is the only intellectually respectable argument.

Obviously there are doubts and disagreements. None of us is perfect at projecting macro-economic effects, but it is probably the unanimous view of Opposition Members and I suspect, if they examine their souls, of the great majority of Labour Members, that the Chancellor's fiscal stance today is too tight in macro-economic terms. Certainly, I have heard Labour Members make eloquent pronouncements about the effect on the manufacturing sector of the current combination of a fiscal squeeze and an exchange rate squeeze. Under circumstances of very tight money, a very tight exchange rate and a very tight fiscal stance, there is ample evidence that the current recession in the manufacturing sector will continue and intensify.

8.45 pm

It is no part of the Opposition's argument to suggest that we should have too loose a fiscal stance, but, under circumstances where there is ample cash available, the national debt is decreasing and there are good economic arguments for supposing that the fiscal stance is too tight, it is perfectly responsible to introduce such a measure. I see nothing irresponsible in that; nor is it irresponsible to have introduced an amendment that needs to be debated in the House and not by subterfuge in another place; nor is it irresponsible at least to probe, as an Opposition must, whether the fiscal stance is too tight. Nor can it be asserted—as I have laboured mightily to establish—that there is any mechanical difficulty involved in restoring the benefit entitlement of those between the £64 and £81 limits. Consequently, I utterly refute the suggestion that there is the slightest irresponsibility entailed in amendment No. 64 or any need for amendment (a).

On the contrary, what is happening is clear. The Chancellor of the Exchequer made efforts with Mr. Whelan to mislead the British public by saying one thing in his Budget speech, by promoting and fostering an opinion in the press, by not correcting that opinion and by subsequently revising the truth through a press release—all with the intent of creating a euphoria that he then denied and sought to minimise in public by a back-door route of legislation in another place with the shortest possible debate here and with an accusation against the Opposition, no doubt dreamt up at a later date by the spin doctors, that we were being irresponsible even in raising the issue. That accusation is without substance, particularly in the light of the fact that it has at least served the purpose of bringing the matter to the attention of the House where it properly belongs.

Mr. Browne: I had not intended to speak in this debate, but I have been driven to do so—*[Interruption.]* Therefore, hon. Members are responsible for the fact that they have to suffer me for the next few minutes.

I have been amused and entertained for the past couple of hours, and I am sure that that was at least part of what Opposition Members intended to do with the froth of a debate that they have foisted on the House. I was mostly amused by the hon. Member for Cotswold (Mr. Clifton-Brown), who described the Bill as a measly Social Security Bill. Hitherto, I have heard it described as the Peter Lilley memorial Bill, so perhaps the subtitle of a measly Social Security Bill is appropriate, given the provenance attributed to it by the Opposition.

If I understood the thesis put forward by the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith)—in the words of my hon. Friend the Member for Bolsover (Mr. Skinner), he made a four-course meal out of a pan of boiling water, repeated by the hon. Member for West Dorset (Mr. Letwin)—he accused my right hon. Friend the Chancellor of the Exchequer of taking advantage of a 48-hour window of public credibility. The Chancellor is accused of taking advantage of that 48 hours to mislead the public and create a false acceptance and bonhomie for his Budget, by deliberately using the word "further" instead of "future" in his Budget speech, having beforehand tested that subterfuge on the public in focus groups. Have I understood the accusation?

Mr. Letwin: Yes.

Mr. Browne: That accusation was immediately undermined by the hype from the hon. Member for Grantham and Stamford (Mr. Davies), who flashed before us a press release with the word "future" in place of "further", which he argued was issued within minutes of the Chancellor sitting down. If the hon. Gentleman's copy is correct, the press release, which was, no doubt, designed to give all members of the press the information that the Chancellor intended to convey in his speech—

indeed, the hon. Gentleman portrayed it as a word-for-word record of the Chancellor's speech—clearly used the word "future".

The issue of that press release within minutes of the Chancellor's speech, and clearly therefore within the 48-hour window, grossly undermines the whole thesis that the hon. Member for West Dorset has constructed on a bed of sand, simply because Conservative Members do not seem to understand the definition of "further".

Mr. Letwin: I am grateful to the hon. Gentleman, with whom I always enjoy debating, for giving way. Does he agree that if the purpose of the press release was to change the minds of members of the press and make it clear that reforms would take place in the future, it is a little odd that Mr. Whelan—who, as far as we know, was awake and present on Budget day—did not make the slightest effort to persuade editors to read it in that light?

Mr. Browne: I have no way of knowing what Mr. Whelan said in conversations that he may or may not have had with economic journalists. Having sat through and listened carefully to the debate, I am merely trying to distil the evidence put before the House by Conservative Members to support their argument. Two successive contributions contained contradictory evidence from the same witnesses, which grossly undermines that argument.

I leave the public and those who will read *Hansard* tomorrow to make up their mind whether the argument of the hon. Member for Chingford and Woodford Green, who spoke from the Conservative Front Bench, stands the test of a Conservative Back Bencher's analysis. I suggest that those who want to do so—there will be some—consider carefully the contribution by the hon. Member for Grantham and Stamford and his reference to the press release.

I may be over-simplifying the matter, but if the press release containing the word "future" was issued within minutes of the Chancellor sitting down, no one was trying to take advantage of a 48-hour window to mislead anyone.

Mr. Letwin: I find the hon. Gentleman's naivety charming, and it does him credit. I ask him to imagine, for a moment, being inside the mind of someone so utterly different from himself as Mr. Whelan. Might it not enter his mind to foster an impression, to have a record that contradicts it, but not to correct that impression among journalists?

Mr. Browne: This is the first time that anybody has accused me of being charming. [HON. MEMBERS: "Ah."] It is sad to have reached this age and never have been accused of being charming.

I have no doubt that the hon. Member for West Dorset is far more capable than I am of analysing the mind of the fictitious Machiavellian character that he has created.

I am analysing the diversion to which we have been subjected for the past couple of hours because, with one or two notable exceptions, the Opposition—as they usually do in social security debates—are seeking to divert attention from the fundamentally beneficial effects on the structure of the national insurance contributions scheme for employees and employers that the Government seek to introduce from April next year. That is the intention of the bulk of the amendments. I make that general criticism, but exclude individuals from it because at least some hon. Members could not bring themselves to continue the charade to which we have been treated without having to concede that point.

Mr. Swayne: Will the hon. Gentleman reflect on whether tabling amendments in such a way as to implement what the Red Book describes as the most fundamental reform since 1975 is a proper way in which to deal with the measures to which he referred?

Mr. Browne: I am grateful to the hon. Gentleman, because I shall reflect on that very subject in due course. Indeed, the Minister dealt with that issue directly in his opening remarks.

The Opposition are seeking to divert attention from the Chancellor's measures. They seek at every turn to divert attention from one of the Government's driving forces. We are debating but one of a package of measures that are designed to help the low-paid and get those who are not in work into work. That the Opposition divert attention in such a fashion by seeking to accelerate a change, when it must have been very clear to them and anyone else who looked at the Chancellor's speech that my right hon. Friend intended to introduce the same change at some future date when the preparatory work had been done, is very obvious. They do so despite the valiant attempts by the hon. Member for West Dorset to explain why the Lords amendment is not reckless or irresponsible. They do so mindless of the damage that legislation in such a form would do to the very people whom the Government's changes are designed to benefit.

The damage that the Lords amendment would do has already been catalogued and debated, particularly by my hon. Friend the Minister, but it bears repeating. Without a deeming measure—the sort of Saturday afternoon matinee legislation that the hon. Member for West Dorset suggested very late in the debate—it would prevent 1 million low-paid workers from having access to contributory benefits. Although I am not in a position to judge the hon. Gentleman's suggestion of a deeming measure without giving it greater consideration, I suspect that the issue cannot be as simple as that. We cannot be tied up on the railway tracks one Saturday, and the next Saturday, with one bound, be free. It is no answer to the reduction in the £1.5 billion hole inside the Easter egg to say that the Government seem to be doing a fair enough job with the economy and there seems to be more money than some anticipated, so some of it can be used to fill the gap.

It is no part of the Opposition's role to be in sync—as the hon. Member for West Dorset said—with the Chancellor's thinking. They must respect that it is the Chancellor's prerogative to make decisions about the management of the economy when he is in government, which relate to his and the Government's priorities. If the Government's priorities are to run the economy efficiently, to try to squeeze out inflation, to try to level off the economy to avoid boom and bust and to pay back some of the crippling debt that they inherited, they happen to be priorities of the people, too. They happen to be the appropriate priorities.

Mr. Hope: Will my hon. Friend give way?

Mr. Swayne *rose—*

Mr. Browne: I am giving way to my hon. Friend.

Mr. Hope: My hon. Friend mentioned earlier the 1 million low-paid workers who would suffer as a result

[Mr. Hope]

of the Opposition's proposals. Is he aware that four fifths of those low-paid workers are women, so it is women who would cease to build up their rights to jobseeker's allowance were we to pursue those proposals? They would also lose the ability to build up their rights to incapacity benefit, maternity allowances and even the basic state pension. What the Opposition want to do would be a fundamental attack on some of the poorest women in the nation.

Mr. Browne: My hon. Friend makes an important point. Clearly, it is part of the Government's strategy to deliver work for the low-paid and to make it pay. That will be significantly to the advantage of women. It is no surprise that such damaging effects can be proposed by the Opposition in such a cavalier fashion, because at every turn in the short history of the Labour Government, when the Government have tried to introduce measures to bring work to workless people and to make that work pay, the Opposition have opposed them.

9 pm

Mr. Duncan Smith: I sense that the hon. Gentleman is beginning to tie himself up in knots. He and his hon. Friends are trying to say what a terrible business the proposals are, while maintaining that their Chancellor never gets anything wrong. May I ask him a simple question? What does he think the Chancellor was trying to do when he announced to the public, by making a speech in this place and through the radio and the other media, including the press, that further changes—changes that the hon. Gentleman says that he does not like—would be made, although there was no provision in the Red Book for them, at least in the lifetime of this Parliament?

Mr. Browne: I am grateful to the hon. Gentleman for giving me the opportunity to share my interpretation of the Budget speech with the House—although I hasten to add that I have not had the benefit of discussing it with my right hon. Friend the Chancellor. In my interpretation, the Chancellor was laying out in the Budget, not only in specific terms for the immediate future but, in general terms, the direction in which the Government were moving. He was giving both employers and low-paid employees the maximum notice of where the Government were going.

When the whole speech is read, it is clear that my right hon. Friend was saying that those objectives would be achieved when the circumstances were right and the preparatory work had been done.

Mr. Duncan Smith: The hon. Gentleman is now saying that his right hon. Friend was being utterly irresponsible when he raised in the Budget speech expectations on which, because he understood the difficulties, he had no desire to deliver. The hon. Gentleman has already mentioned those difficulties, and has criticised the Opposition for advancing our proposals because, apparently, they would damage so many people. Yet, at the same time, he says that the Chancellor was right. Surely the Chancellor was wrong, and was hurting people in raising those expectations. That is what the hon. Gentleman has just said.

Mr. Browne: The hon. Gentleman, not for the first time in the debate, misunderstands what has been said—but that may be my fault. I criticise the Opposition for supporting the Lords amendment because they are trying to make the change now, when the preparatory work has not been done, and they are mindless of the consequences for a significant number of people.

I do not expect the Chancellor to introduce legislation to achieve the objective at any time in the future until the preparatory work has been done. I do not accept that my right hon. Friend was being irresponsible in any way. He was raising legitimate expectations—expectations which the Government will fulfil—

Mr. Duncan Smith *rose—*

Mr. Browne: No; the hon. Gentleman has, in his own words, had his moment in the sun.

I shall talk about the positive benefits of the other amendments shortly. No one can be in any doubt about the Government's commitment to the creation of employment. It is a crucial part of that strategy that we make work pay, especially for the low-paid. As I have said, every aspect of the package of measures that we have introduced over the past year to create work and to make it pay has been opposed root and branch by the Opposition. They opposed every aspect of the new deal, they opposed the minimum wage legislation and they will no doubt oppose the national child care strategy.

Reform of the national insurance system is an integral part of that package, and these measures are designed to achieve that reform. As my hon. Friend the Minister has explained, they will do that by increasing the take-home pay of every employee who at present pays national insurance contributions—and I willingly accede to that objective. They will reduce bureaucracy for employers and, in so doing, encourage them to take on more workers. The fact that the measures have appeared in a relatively short time is a remarkable achievement by the Government. The Government did not introduce the changes willy-nilly, but conducted a tax and benefit review that examined all the consequences of the package and concluded that this was the appropriate way forward.

Some Opposition Members have welcomed the package, but others have carped about it. They claim that it has arrived too late in what they have described as this measly Bill. They do not believe that this legislation is the appropriate vehicle for the measures, but it clearly is. The package did not need separate legislation: it needed to be inserted in a Bill that contained substantial references to national insurance. The Social Security Bill provided a ready-made vehicle. It gives the maximum notice to employers that the changes will be implemented next year. It ensures that the Government will meet our target of April 1999 and that the people at whom the measures are targeted will enjoy maximum benefits for a maximum period. For those reasons, I welcome the Government amendments.

Mr. Howard Flight (Arundel and South Downs): This is an important debate about two issues. The first is a major reform of the national insurance arrangements.

The second is about the conduct of government: should it be open and straightforward or does it involve governing by deceit in order to maximise propaganda?

The speeches by my hon. Friends the Members for Chingford and Woodford Green (Mr. Duncan Smith) and for Grantham and Stamford (Mr. Davies) exposed the fact that a deceit has clearly been perpetrated. I listened to the Chancellor's speech, and I was left with the clear understanding that the reforms to the national insurance arrangements following the Taylor report would affect both sides of the fence. I believed that they would raise the starting level of employers' contributions from £64 to £81 and would raise to £81 the level beyond which individuals paid class I contributions. That is what the major newspapers reported and it is what I think the public still believe to be true. They will be quite surprised to discover that the wool has been pulled over their eyes.

This package of measures has been tacked on at the end of the Bill in order to avoid full debate and exposure by the press. It is an attempt by the Government to pass the measures quietly without attracting attention. The Lords amendments are designed to expose that fact—we know that they cannot succeed. Labour Members have argued that the amendments should not have been made without first considering their consequences. Why did the Chancellor put his important proposals on the menu—including reducing disincentives to work—when he did not know how he would fund them? The Red Book has disclosed that there is no provision to fund those proposals in this Parliament.

What is the Government's position? Do they still seriously propose to reduce employees' contributions, so that contributions are paid only after £81 a week is earned, or was that a propaganda exercise?

All hon. Members share the objective of reducing disincentives to work. One of the most important aspects of the Budget was the proposal to remove the entry fee under the national insurance arrangements, so that employees' contributions would be significantly reduced—the lower paid would not begin to pay until they had earned £81 a week. The reforms would be more important for the employee than for the employer, as they would reduce disincentives to work. As my hon. Friends have said, astronomically high marginal rates of tax can be incurred when incomes rise at the lower end of the earnings scale. Bluntly speaking, we must encourage those who know how to obtain the most from the social security system to look for work. The level at which they have to start paying national insurance may be a disincentive to them.

For employers, the reforms represent a simplification. The Red Book makes it clear that, for them, the net cost of the reforms in contributions is virtually zero. The different scales will be phased out, to be replaced by the one scale that will take effect at £81—the old minimum scale took effect at £64.

There are pluses and minuses to the arrangements that the amendment would implement. People at some income levels will have incentives to work, whereas those at other levels will face disincentives. Worryingly, the disincentives will apply to those who are at the medium-skilled end of the market.

Like the public and the informed media, I welcomed the national insurance reforms on the understanding that the minimum level for contributions would be raised to £81 a week for both employee and employer. Candidly, I am shocked to find that, for employees, the proposal seems to have been no more than a devious propaganda trick.

I do not understand what the Chancellor wants to achieve. The Red Book seems to show that there is little prospect that the proposals for employees will be put into effect during this Parliament, yet that is the most important way in which to create incentives to work. Moreover, it is what the Chancellor has led the least privileged in society to expect. Was that a cheap propaganda trick? Was the Chancellor misleading himself? Did the Treasury fail to cater for the financing of the proposal?

The Taylor report makes it clear that the aim of national insurance reform is to benefit both employers and employees. As my hon. Friends have said, there is no substantial fiscal constraint to prevent the Government from biting the bullet and applying the reforms to both employers and employees. The Government are spending generously on work provision for the young, but that expenditure is not needed, as unemployment among young people has turned out to be much lower than expected.

The thrust of the Government's propaganda has been that the Budget will get people into work—it will provide incentives and remove disincentives to work.

I am extremely concerned that the family credit proposals, some of which are positive, also contain significant disincentives. The net effect of the reforms is that, for a woman, it will be worth having a husband only if he earns at least £400 a week. That is undesirable in terms of supporting the family unit and crazy in terms of incentives to work.

I thought that the national insurance reforms were to be about getting rid of disincentives to work, but they are merely about simplifying the arrangements on the employer side and doing nothing on the employee side.

9.15 pm

The Lords amendment is clearly designed to expose a deceit in the Budget statement—an intention to pull the wool over people's eyes. It sends a message to the Government that they must get on with putting that right. That is not such a difficult task; it could be addressed within six weeks if the Government really intended to do something. The issue is whether they are willing to spend the money and whether that expenditure is a top priority.

I believe that getting rid of disincentives to work should be a top priority for any Government committed to helping the less-privileged. The Government should get on, for goodness' sake, and do what they have led the people of Britain to believe that they would do.

Mr. Hope: I urge the House to support the Government amendment, because to do otherwise would be to hurt the low-paid and future pensioners. The Bill is a key part of modernising the welfare state and the social security system, a task which the Conservatives signally failed to perform in their 18 years in office. Far from supporting the Government in their endeavours to make the system fairer and more efficient, Conservative Members are seeking to undermine the measures and hurt those least able to defend themselves.

[Mr. Hope]

If the Government amendments are not made, 1 million low-paid people, many of them women, will be taken out of the reach of contributory benefits and will suffer, as they cease to build up their rights to benefits such as jobseeker's allowance, incapacity benefit and maternity allowances. The value of state earnings-related benefits would reduce if we went down that route. The amount paid in contracted-out pensions for millions of people would be reduced, and about £1.5 billion less would come to the Treasury in national insurance contributions.

The Lords amendments are designed not to expose the Government but to be vindictive and wrecking. Their effects would be unacceptable, indecent and simply wrong. They are irresponsible and border on hypocrisy.

The Government have said that future reforms will raise to the level of the single person's tax allowance the point at which employers start to pay national insurance, but that that will not happen until measures are in place to protect the benefit rights of those earning between £64 and £81 a week, who will no longer pay contributions.

It is not and never has been the Government's intention to make the change from April 1999. I am sure that the record will show that to be the case. The Government want to introduce the measures on both sides of the equation in due course. Labour Members find it impossible to take Conservative Members seriously when they say that they would support measures that, quite frankly, they would never have introduced had they been in government.

Mr. Swayne: The problem was that we thought that those measures had been introduced. *The Daily Telegraph* and the *Financial Times* thought that they had been introduced. What was so galling was to have the feast swept from under our noses.

Mr. Hope: I thank the hon. Gentleman for his intervention, although it would be helpful if he knew what he was talking about. What he said is untrue. The Opposition's amendments are not resulting in a serious debate on reform of the social security system but in rank opportunism, utter insincerity and complete humbug. When the Government introduce measures on both sides of the equation to ensure that the lowest-paid people benefit, it will be interesting to see how the Opposition vote. Many other amendments affect national insurance contributions, housing benefit and measures to help disabled people who want to work, which form part of the Bill.

Mr. Swayne: As the hon. Gentleman shows considerable interest in how we might vote when the Government introduce those measures, can he hazard an estimate on when that might be, so that we can consider how long we have to work on it?

Mr. Hope: We shall introduce the measures when the time is right. What we are debating, and what Opposition Members deliberately avoid discussing, is the measures that we are putting in place to restructure national insurance contributions. Employees will no longer have to pay a 2 per cent. entry fee as soon as their wages reach the lower earnings limit. They will pay national insurance contributions only on the portion of earnings that exceeds the lower earnings limit and is below the upper earnings limit. That will save them £1.28 a week, which the previous Government signally failed to do. Indeed, they had no intention of helping the low paid.

Mr. Swayne: The hon. Gentleman is concerned about our inability and unwillingness to debate the proposals. Would it not have been better if the Government had dealt with the proposals properly instead of tagging them on to this Bill, halfway through its progress through the Lords, so that they could have received the proper attention that he desires?

Mr. Hope: Those measures are included in the Bill to give businesses the necessary time to revise their payroll arrangements, and so that we can allow people to benefit from the measures as quickly as possible. Does the hon. Gentleman suggest that we should not have put the measures in place, thereby delaying some of the benefits that they will bring? Perhaps that is exactly what the Opposition believe.

Ms Patricia Hewitt (Leicester, West): Does my hon. Friend agree that if Conservative Members had not spent so much time debating a measure that we do not propose to make in this Bill, they would have had ample time to debate the measures that we are including in the Bill and will bring into effect from April next year?

Mr. Hope: I could not have said it better myself. I hope that Conservative Members are listening to the points being made in this debate, because they are doing themselves no favours, in the eyes of the House or the public, by proposing spurious amendments designed to wreck a Bill which will benefit those most in need and bring about a system that genuinely helps those who need it.

I suspect that when people see the crocodile tears that Conservative Members are shedding, they will know whom to trust when they consider their choices in the future. It is a shame that Conservative Members have chosen to pursue amendments that would not only damage people's lives, but have not been costed and demonstrate what I can only describe as a shallowness and lack of genuine concern to build a modern, efficient and fair welfare state.

It is a pity that, rather than offering constructive and supportive contributions on the changes that are needed, the Opposition are treating the income of millions of people as a political football with which to score cheap political points across the Chamber.

Mr. Clifton-Brown: I can hardly believe what I am hearing. Is the hon. Gentleman defending a change in the national insurance system that is so mean minded that someone earning under £81 a week faces a tax reduction of about £1.10 a week? If he is defending that in terms of the low-paid, I shudder to think how they and the disadvantaged will fare under the Government in future years.

Mr. Hope: It is strange to hear Conservative Members telling Labour Members about defending the low-paid, when the Tories signally, deliberately and purposefully

opposed a national minimum wage, root and branch—and kept us up all night to do so. No one will take lessons from the Opposition on supporting the low-paid. As a result of the Bill, the low-paid will be £1.28 a week better off, not worse off.

Miss Kirkbride: Does the hon. Gentleman accept that one of the greatest achievements of the Conservative Government was to bring down the marginal rate of tax, which considerably improved the take-home pay of the low-paid? The measure that we support goes even further in that direction.

Mr. Hope: We inherited a shambolic welfare state. The people in most need were not receiving the benefits, support and security that they should have received. For example, 1 million pensioners were not claiming income support to which they were entitled, and were abandoned by the Conservative Government. Having inherited a shambolic welfare state, the Government have embarked on a radical set of reforms and the Bill is paving the way for their introduction. They will bring back support and work for those who can work and security and dignity for those who cannot.

We inherited a welfare state in which people were trapped on benefits and not receiving the resources that they needed—the public did not support it—and a social security system that treated its customers as a burden rather than as people who needed help. The Bill paves the way for ending that.

The Government amendments are essential to the success of our reforms of the welfare state. We shall propose further measures as our programme of reform is implemented. It will be an exciting three or four years as, year on year, we table proposals for change that will dramatically increase the quality of people's lives, especially those of the poorest in our community. We shall not be swayed from that task, that vision and that commitment by an Opposition who not only lack vision and commitment, but prefer to play dangerous games with people's lives.

Miss Kirkbride: The Bill will not achieve any of the great reforms to the welfare state that the hon. Member for Corby (Mr. Hope) thinks that it will. It will introduce an appeals procedure that will truncate the rights of his constituents to gain the benefits to which he thinks they are entitled. He cannot claim that the Bill represents great reforming zeal and that it will transform people's lives, as he would have us believe.

The hon. Gentleman accused Conservative Members of seeking to wreck the Bill through the Lords amendments. We are trying to improve the Bill, and improve it considerably, for precisely the people he claims to want to protect and whose living conditions he wants to enhance. I support my hon. Friends, who spoke eloquently to the Lords amendments and against the Government's arguments. The Government have shamefully misled the general public and the newspapers about their intentions for the lower-paid.

The whole argument rests on the difference between "future" and "further". I can only claim to have been a Member of Parliament since May 1997, when I had the great good fortune of winning for the Conservative party in Bromsgrove; however, before that, I had considerable experience of the ways of the House as a Lobby correspondent and from working in the House in various capacities. It is only too clear to me what Ministers mean when they choose to say either "future" or "further".

9.30 pm

If a Chancellor says in a Budget speech that he intends to make "further changes", that is code for every single person who has experience of the House to report that those changes will take place when the Finance Bill is in Standing Committee, and that they will be embodied in that Bill, which is before the House in that financial year. Therefore, it could be expected by everybody who listened to the Chancellor's words that the measures promised in those words would be enacted in the same financial year. Although I have many criticisms of our Chancellor, lack of intelligence is not one of them, so I simply cannot believe that he was not perfectly aware of the word he chose when he said "further" in his Budget speech.

If the right hon. Gentleman had said "future", as it is now claimed he intended to say, that would have meant something entirely different. The future is exponential—it never has a due date in the House. It is an intention that, however honourable, has no financial reckoning. It is something that might not even happen within the lifetime of a Parliament. It is a good intention expressed by a Government, but it is certainly not an intention that anyone would take seriously until they saw it in black and white on the face of a piece of legislation. I cannot believe that the Minister does not understand that that is the difference between the uses of those two words.

I am therefore minded to agree with my hon. Friends, who have spoken so eloquently tonight, that there was a deliberate attempt to confuse the journalists who sit upstairs in the Gallery into believing that the Chancellor intended to make the changes this year. My hon. Friend the Member for West Dorset (Mr. Letwin) spoke magnificently about the whys and wherefores of the relationship between Ministers and the press. I know from my days working in the national media that there is a new element in that relationship: not only do we have to take Ministers out to lunch to try to ascertain their intentions for future legislation, but, if we are serious journalists, we have to try to get ourselves on to one of the focus groups, because if we succeed in doing so, we shall find out the Government's intentions and be able to manipulate those intentions by our reactions to the various proposals put before us.

I can quite believe that the Chancellor saw the value of saying that he intended to make changes to employees' national insurance contributions in the Budget, and that he deliberately allowed that intention to be expressed to our national newspapers on Budget day. Recalling my time on *The Daily Telegraph*, I know only too well the intense briefing and spinning that goes on in the Corridors upstairs on Budget day and on any other day a major Government announcement is made. Given the sort of press coverage that the changes got, it is simply inconceivable that they were not cross-referenced with the Government spin doctors—Charlie Whelan, perhaps Alastair Campbell himself and others. It is not possible that, in respect of a major and significant change—one of the most well-focused changes in the Budget—journalists would not have asked whether the Chancellor meant to say "further".

[Miss Kirkbride]

I am sure that, while not actually lying to members of the press, the spin doctors deliberately turned a blind eye to the presentation that they saw the press would give the facts the following morning. As we saw, even my former newspaper announced the intention—this year's intention by the Government—to make the changes to reduce employees' national insurance contributions. We also read it in the *Financial Times*—the doyenne in the Lobby of those who understand a balance sheet and whose journalists would know the import and intention of the measures.

There was also confusion on the radio about precisely what the Government intended. It comes as no surprise to me that the Government, who were very good at manipulating the media even before their election, allowed their supposed intention to fester in the minds of the public in order to gain credibility and acceptance.

Mr. Clifton-Brown: I am sorry to interrupt my hon. Friend, but I fear that she may be being too kind to the Government. I do not think that there was any media spin to create a warm impression of the Budget; I think that it is a question of the Chancellor's pure incompetence in not ensuring that his statement was in concert with the Red Book.

Miss Kirkbride: I do not wish to disagree with my hon. Friend. The fact remains that there is a huge dichotomy between what was said and what is now going to happen, and only our personal convictions and—perhaps—prejudices can suggest to us why that is so. Certainly, in the light of my experience of the relationship between Ministers and the press, I do not find it surprising.

The Under-Secretary's defence of his Government's position was the most disingenuous statement that I have ever heard. First, we were told how dreadful it was that we had pinched the Chancellor's idea; then, in the next breath, we were told what a terrible idea it was. I am still trying to get my mind around the peculiar message that the Government are sending us, which has been repeated by many of the Under-Secretary's hon. Friends. Something cannot be a good idea when voiced by the Chancellor and a terrible idea when the official Opposition seek to put it into practice by means of a Lords amendment.

Many Labour Members have criticised Conservative Members for not being particularly robust about low pay. I consider this the most important Bill that the Government could have introduced because, unlike the minimum wage—which may well destroy jobs—it will enable people who want to work to afford to do so. I urge the Minister to consider our arguments and the Lords amendments in a more favourable light.

Ms Hewitt: The hon. Member for Bromsgrove (Miss Kirkbride) reminded us that she was a journalist before she entered the House. Perhaps that explains her obsession—although it does not necessarily explain that of many of her hon. Friends—with the activities of journalists and spin doctors.

I have listened to the debate with a mixture of fascination and deep horror. I was reminded of the years that I spent studying English literature at university, where there was an obsession with textual analysis—but never, even in the rarefied atmosphere of Cambridge, did I encounter such a nit-picking approach as this. It is to no purpose to analyse "further" and "future", and what was said in this and that press release. Such an attitude betrays the fact that the official Opposition have no serious purpose in engaging in this lengthy debate.

We may have been entertained by much of today's proceedings, but I wonder how the debate has struck members of the public. I noticed that many young people who came here to observe the House of Commons in action—I suspect because they were equally appalled by much of the debate—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt, but the hon. Lady should know that nothing exists outside this Chamber.

Ms Hewitt: I am afraid that I betray my lack of experience here, Mr. Deputy Speaker, but it is the fault of the Opposition that they have given the appearance this evening that, for them, nothing exists outside the Chamber. That is a great shame.

The Budget presented by the Chancellor earlier this year contained a long series of proposals for radical reform of the welfare state—which we inherited in a shambles from the previous Administration. Considerable progress will be made as a result of this Bill and of the Tax Credits (Initial Expenditure) Bill, to which we return tomorrow. They will make changes that will enormously improve work incentives and help my constituents, from April next year, who are trapped either in unemployment or in low-paid jobs.

The Government will go on to make further changes, as the Chancellor said, in the future. I welcome those changes, and I commend the Government amendments to the House.

Mr. Burns: This has indeed been an extremely interesting and invigorating debate. The nub of the argument has been the Chancellor's comments in his Budget statement on the lower earnings limit for national insurance contributions. My hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) has powerfully exposed the Chancellor's shenanigans. My hon. Friends the Members for Grantham and Stamford (Mr. Davies), for Cotswold (Mr. Clifton-Brown), for West Dorset (Mr. Letwin) and for Arundel and South Downs (Mr. Flight) have all made powerful speeches exposing what went on during the critical 48 hours when the Government's spin doctors at the Treasury worked overtime to create an impression that was just an illusion.

I pay tribute to my hon. Friend the Member for Bromsgrove (Miss Kirkbride) for her elucidating speech. She used to be a journalist for *The Daily Telegraph*, so she is well aware of how spin doctors operate. They choose their words carefully when they want to convey a message. We are indeed grateful to her for exposing some of the hollow excuses proffered for the activities of Mr. Charlie Whelan.

I remind the House of the seriousness of the situation, although I can understand why Labour Members would like to downgrade the charges laid against them this evening: this is an issue of considerable embarrassment

for them. In his Budget speech the Chancellor announced that he would raise the lower earnings limit for national insurance contributions from £64 to £81—so much is beyond dispute. He said:

"I am abolishing the perverse entry fee that every employée pays to be part of the national insurance system and, in doing so, I am cutting national insurance for every employee in the country . . . Further reforms will also ensure that no one pays national insurance for the first £81 of their weekly earnings. All employees earning between £64 and £81 will have their right to benefits protected."—[*Official Report*, 17 March 1998; Vol. 308, c. 1106.]

When I heard the Chancellor say that, I understood—as did members of the press—him to mean that the measure was to be part of a reform package—*[Interruption.]* The hon. Member for Corby (Mr. Hope) should listen for a minute and then take the time to go to the Library, where he will find that the front page of *The Daily Telegraph* the day after the Budget stated that no worker would pay national insurance contributions on the first £81 of earnings. Similar coverage of that element of the Budget speech can be found in the *Financial Times* of the day after the speech.

It is clear that many members of the public were left with the clear impression that the changes would be part of the total package of changes in national insurance contributions. The confusion was so great that, a few days after the Budget, the BBC programme "Money Box", which my hon. Friend the Member for Chingford and Woodford Green mentioned, did an item on it to help clear up the confusion that had been created by the Chancellor's statement. In an interview with Stuart Richie of Scottish Equitable, which I will repeat for the benefit of the Minister, so that, just for once, he will be able to answer my questions in his winding-up speech, the interviewer said:

"a lot of people seem to think that they won't have to pay any National Insurance until their earnings hit eighty one pounds a week. I mean, even if I've been a bit muddled by this. But that's not quite right, is it?"

Stuart Richie said:

"No, the Chancellor got it a bit wrong in his speech and newspapers are actually still getting it wrong today".

The response from the interviewer was:

"Yes, I notice the FT got that one wrong."

Mr. Richie went on to say:

"Yes, the FT got it wrong and I think some others as well".

The quotation suggests that the statement in the Budget was a mistake on the part of the Chancellor. As it turned out, however, there was no mistake.

When he appeared before the Treasury Committee, the Chancellor was specifically asked by my hon. Friend the Member for Grantham and Stamford about this curious omission. The Chancellor's answer was staggering. He said:

"I said: 'Future reforms will also ensure that no-one pays National Insurance for the first £81.' The word is 'future'. These are reforms we intend to make."

That is what the Chancellor told my hon. Friend—*[Interruption.]* If the hon. Member for Kilmarnock and Loudoun (Mr. Browne), instead of nodding his head, hoping for a job in a few weeks' time, listened to the references, he would be able to check all this in *Hansard* to understand the significance. It is clearly a bit above him tonight.

9.45 pm

The Chancellor is being economical with the truth. He never used the word future. The *Official Report* of the Budget speech clearly says "Further".

The Chancellor is only too well aware of the fact that the Budget speech is probably the most important speech that is delivered in the House during the parliamentary year. It is thoroughly prepared and looked over before it is delivered and anyone who has been a Minister will know that, immediately after it has been delivered, it is combed upstairs by civil servants to ensure that it is 100 per cent. accurate, so it is inconceivable that *Hansard* got it wrong and that the Chancellor said something else. The Chancellor made a mistake and is seeking to run away from that mistake.

Frankly, the real reason the Chancellor decided to include the statement in his speech is that he had the idea tested on focus groups—we have a Government of focus groups now. As the reaction was positive, he decided to press ahead with it for a soundbite in the hope that it would help to create the general feel-good factor for press coverage.

The Liberal Democrat spokesman, the hon. Member for Newbury (Mr. Rendel), said that he shared our concerns on this issue and agreed that people would now be disappointed—because they thought that they would benefit financially from what the Chancellor promised on national insurance contributions under £81 and would not now receive that benefit in the next 12 months—but, sadly, he then spoilt his remarks, because it became apparent that he had completely missed the point of the debate when he suggested that we should be grateful that the Government had misled the people and what on earth were we doing seeking to draw attention to that; we should have sat on our hands and said nothing about it. That seems an extraordinary raison d'être, but I suppose that anyone who has had the misfortune to fight a Liberal Democrat at a parliamentary election will understand that there is nothing comprehensive or consistent about their views. What does interest me is what will happen at 10 o'clock, if and when a Division is called.

Mr. Rendel: I am delighted that the hon. Gentleman has given me the chance to intervene. I thought that I had made it absolutely clear at the end of my speech that we would support the Government's amendment.

Mr. Burns: I am grateful to the hon. Gentleman. I admit to making the classic mistake of forgetting that we are in a state of coalition politics—the Liberal Democrats support the Government through thick and thin.

The Minister, in his opening speech—we await his closing speech—failed to deal with any of the important issues behind this sorry episode. I now specifically ask him to explain to the House, in his reply, why the Chancellor behaved in such a disingenuous way. Will he explain why national insurance for those earning less than £81 will not be cut when everyone expected it to be? Can he give some time scale for when the Government will do that? Will he also explain or repudiate the spin-doctoring behaviour of Charlie Whelan et al at No. 10 and No. 11 Downing street?

[Mr. Burns]

Because we believe that the Government have knowingly misled the public for party political reasons, we will vote against the Government's amendment that would reverse the measures that the Lords have put into the Bill.

Mr. Denham: The speech of the hon. Member for West Chelmsford (Mr. Burns) was in large part identical to the speech of the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith)—the first example of the single transferable speech.

It is not good for a Government to face an Opposition as fatuous, vacuous, time wasting, leaderless and incapable of serious scrutiny as that we have faced tonight. My hon. Friend the Member for Kilmarnock and Loudoun (Mr. Browne) highlighted their irresponsibility towards public expenditure—£1.4 billion appears to be of no consequence to them. We now know why debt doubled under the Conservative Government. As we have seen tonight, they are an Opposition with nothing to say.

Two charges have been made. The first is that the Bill is being dealt with in the wrong place. Any doubts that there might have been about the way in which the Bill has been handled have been dispelled tonight. In four hours, the Opposition have shown that they are incapable of maintaining any serious critique of the policies that we are meant to be discussing.

The reality is that the measures mean that business has to implement major changes. It will have to revise its software and administrative procedures. If it has to rush those changes, that will cost it money. We did not want unnecessarily to limit the time that business had to implement the changes. We decided that, given the wide range of support for the measures, we should make use of the earliest available vehicle—this Bill. This allows time for debate in both Houses and gives business the time that it needs.

This Bill contained a substantial section concerning national insurance contributions before the introduction of the new clauses. It is the most appropriate legislative vehicle to introduce changes to national insurance. The changes have been widely welcomed and they need to be on the statute book quickly to provide employers with the time they need to make the changes.

The more serious charge was that the Government have deliberately misled the public about our intentions. I shall deal first with the Red Book. It is clear that when the proposals are introduced, the implications of the changes will be reflected in the Red Book at the time. It was obviously right and good for my right hon. Friend the Chancellor to indicate the direction in which the Government wish to move and the way we want to restructure national insurance in the future so that there is no misunderstanding about the Government's intentions.

The second charge was essentially that the constituents, specifically of West Dorset, of Cotswold and of Grantham and Stamford—generally *Daily Telegraph* readers of all constituencies—had been led to believe that there would be a larger reduction in their weekly income than was made.

I took the precaution of reading *The Daily Telegraph* of 18 March, the day after the Budget. It stated:

"From the start of the 1999-00 tax year, no one will pay National Insurance on the first £64 of weekly earnings, saving every employee £1.28 a week—£66.56 a year."

That was said in *The Daily Telegraph* not once, but twice. On the same page, it mentioned

"the £1.28 per week saving created by the Chancellor's proposal to scrap what he called 'the entry charge' for National Insurance contributions."

Was that misleading? It was exactly what the Chancellor said in his Budget speech. He said:

"from next April, 20 million employees in Britain will benefit by paying £1.28 a week, or £66 a year, less in national insurance."—[*Official Report*, 17 March 1998; Vol. 308, c. 1106.]

After four hours of debate, the official Opposition have failed to make a case that any misunderstanding could have arisen about the impact of my right hon. Friend's Budget on the pockets of 20 million employees. He stated in his Budget speech the exact cash amount by which every individual would be better off.

I am pleased to be able to tell the hon. Member for Bromsgrove (Miss Kirkbride)—who worked for *The Daily Telegraph*—that the Budget's impact was accurately reported by that newspaper not once, but twice, which is only what we would expect from a great national newspaper.

The entire basis of this debate, and of the debate in another place, was that the Chancellor had misled people about the amount by which they would be better off. The basis has been destroyed not only by the words of the Chancellor of the Exchequer but by the words reported twice, on the same page, by the one national newspaper that has been quoted as saying that the Government misled the public.

The proposition that the Chancellor misled the public is the whole reason why this debate has lasted for four hours. No criticism of the Government's policy has been made.

Mr. Burns *rose—*

Mr. Denham: No. The hon. Gentleman did not give way in his speech, and I do not have time to give way now.

I believe that there will be considerable embarrassment among Opposition Members at the way in which their leadership has led them into today's ridiculous debate, chasing round and emptying the tea rooms and bars to find sufficient Members—who were not in the Chamber for the earlier part of the debate—to spin it out to 10 o'clock.

There was nothing of substance in the comments of the hon. Member for Chingford and Woodford Green. Moreover, he and his colleagues cannot escape the consequences of the measures that they will vote for at the end of this debate. They have confirmed that they will vote for measures that would remove up to 1 million low-paid people from contributory benefit rights. Those people's jobseeker's allowance, statutory maternity pay and pension rights would all be hit by the measures that the right hon. Gentleman and his colleagues will vote for.

Mr. Quentin Davies: Will the hon. Gentleman give way?

Mr. Denham: I shall not give way, because Conservative Members did not give way.

Mr. Davies: Will the hon. Gentleman give way?

Mr. Denham: No. *[Interruption.]* We have had— *[Interruption.]*

Mr. Deputy Speaker: Order. The hon. Member for Grantham and Stamford (Mr. Davies) must know that the Minister will not give way.

Mr. Denham: Today, we have had four hours of wasted debate. The Opposition must now face the consequence that they will vote—the country will see them voting—to remove benefit rights from up to 1 million low-paid employees, most of whom are women. Opposition Members must live with that. However, I am sure that Labour Members will use our majority to ensure that those benefit rights are protected.

When my right hon. Friend the Chancellor of the Exchequer judges that the financial circumstances are right to introduce further changes, we will ensure that the benefit rights of low-paid employees are protected. Such a measure must not be considered—as the hon. Member for West Dorset (Mr. Letwin) said—in half an hour; it will require careful consideration, which is precisely what we will give it. We shall also increase the benefits of moving from welfare to work, make all employees—but especially the low-paid—better off, and make it easier for employers to create jobs.

Question put, That the amendment to the Lords amendment be made:—

The House divided: Ayes 328, Noes 123.

Division No. 274] **[9.59 pm**

AYES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atkins, Charlotte
Ballard, Mrs Jackie
Barnes, Harry
Barron, Kevin
Battle, John
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Butler, Mrs Christine
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell-Savours, Dale
Canavan, Dennis
Casale, Roger
Chapman, Ben *(Wirral S)*
Chaytor, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Frank *(Stockton N)*
Cook, Rt Hon Robin *(Livingston)*
Cooper, Yvette
Corbett, Robin
Cotter, Brian
Cousins, Jim
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr John *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Dafis, Cynog
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Dismore, Andrew
Dobbin, Jim
Doran, Frank
Dowd, Jim
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Jones, Barry *(Alyn & Deeside)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Linton, Martin
Livingstone, Ken
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McIsaac, Shona
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Paul *(Torfaen)*
Norris, Dan
Oaten, Mark
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pond, Chris
Pound, Stephen
Powell, Sir Raymond
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn

Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Starkey, Dr Phyllis
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Truswell, Paul
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Ms Bridget Prentice and
Mr. Greg Pope.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Johnson Smith, Rt Hon Sir Geoffrey
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maples, John
Maude, Rt Hon Francis
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Wardle, Charles
Wells, Bowen
Whitney, Sir Raymond
Wilkinson, John
Willetts, David
Woodward, Shaun
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Nigel Waterson and
Mr. James Cran.

Question accordingly agreed to.

It being after Ten o'clock, further consideration of the Lords amendments stood adjourned.

Motion made, and Question put forthwith, pursuant to Standing Order No. 15 (Exempted business),

That, at this day's sitting, Consideration of Lords Amendments to the Social Security Bill may be proceeded with, though opposed, until any hour.—*[Mr. Kevin Hughes.]*

Question agreed to.

Lords amendments further considered.

Amendment (b) to the Lords amendment agreed to.

Lords amendment, as amended, agreed to [Special Entry].

Lords amendment No. 65 agreed to [Special Entry].

Clause 53

CONTRIBUTIONS PAID IN ERROR

Lords amendment: No. 66, in page 35, line 33, leave out ("a period falling in")

Mr. Denham: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to discuss Lords amendments Nos. 67 to 70.

Mr. Denham: Amendments Nos. 66 to 69 will ensure that clause 53, which applies to contributions paid in error, is not applicable where the error has been

discovered and the contributions have been refunded to the contributor. The amendments also introduce drafting changes to improve the clarity of the clause. Those technical amendments do not impact on the purpose of the clause. Amendment No. 70 is a minor technical amendment to clause 56, which is designed to clarify the legislation. I commend the amendments to the House.

10.15 pm

Mr. Waterson: I agree with the Minister that the amendments are largely technical. As he said, amendments Nos. 66 to 69 are purely technical and, as far as I can tell, ensure that the policy behind the clauses is what is delivered. They introduce references to "year 1", "year 2", and so on. Amendments to deal with where a mistake has been identified and a refund made in the relevant time limit are very sensible.

I should like to raise one or two questions. I hope that answering them will not detain the Minister long. Does he agree that the amendments, especially the reference to regulations on when the section will become effective, extend the Government's regulatory powers? Is he able to tell us today when the Government intend the sections to come into force? How does he think that the clauses and the amendments fit the Government's approach to back dating in other parts of the Bill, which we shall come to very shortly?

Mr. Denham: The reference to the coming into force of section 56 reflects the fact that different parts of the Act will come into force at different times. Some sections will come into force on Royal Assent, such as the provisions on restrictive covenants in clause 50. Other sections, including section 56, will be brought into force by way of a commencement order. Amendment No. 70 makes it clear that the period referred to in clause 56(7B)(8) is the period before section 56 is brought into force by way of a commencement order.

Lords amendment agreed to.

Lords amendments Nos. 67 to 73 agreed to.

Clause 67

RATES OF SHORT-TERM INCAPACITY BENEFIT

Lords amendment: No. 74, in page 46, line 4, leave out ("£62.45") and insert ("£64.70")

Mr. Denham: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to discuss Lords amendment No. 75. I should inform the House that these amendments involve privilege.

Mr. Denham: Amendments Nos. 74 and 75 change references to amounts of benefit in clause 67 to reflect the increased rates of benefit provided for by the social security benefit uprating order of 1998. They are purely technical, and I commend them to the House.

Lords amendment agreed to [Special Entry].

Lords amendment No. 75 agreed to [Special Entry].

New clause

Lords amendment: No. 76, after clause 67, to insert the following new clause—*Validation of certain housing benefit determinations—*

".—(1) Subject to subsections (3) and (4) below, in so far as a housing benefit determination made before 18th August 1997 purported to determine that housing benefit was payable in respect of—

(a) charges for medical care, nursing care or personal care; or

(b) charges for general counselling or any other support services,

it shall be deemed to have been validly made if, on the assumption mentioned in subsection (2) below, it would have been so made.

(2) The assumption is that, at all material times, such charges as are mentioned in subsection (1) above were eligible to be met by housing benefit where the claimant's right to occupy the dwelling was conditional on his payment of the charges.

(3) Where the effect of a review carried out on or after 18th August 1997 was to revise the amount of housing benefit payable in respect of any validated charges—

(a) the revision shall be deemed not to have been validly made in so far as it had the effect of increasing that amount; and

(b) housing benefit shall cease to be payable in respect of those charges as from the beginning of the period for which the first payment of the revised amount of benefit was made.

(4) Housing benefit shall not be payable in respect of any validated charges for any period falling after—

(a) 5th April 1998 where the rent is payable at intervals of a whole number of weeks; and

(b) 31st March 1998 in any other case.

(5) In this section—

"the dwelling", in relation to a housing benefit determination, means the dwelling in respect of which the determination was made;

"housing benefit determination" means a determination under section 130 of the Contributions and Benefits Act or the corresponding provisions of the Social Security Act 1986, or a decision on a review of such a determination;

"medical care" includes treatment or counselling related to mental disorder, mental handicap, physical disablement or past or present alcohol or drug dependence;

"personal care" includes assistance at meal-times or with personal appearance or hygiene;

"validated charges" means charges in respect of which housing benefit is payable only by virtue of subsection (1) above."

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: With this, it will be convenient to take Lords amendment No. 91. I should inform the House that the amendment involves privilege.

Mr. Bradley: Amendments Nos. 76 and 91 propose to legitimise, from the date of Royal Assent, payments of housing benefit that have incorrectly met charges for personal general counselling and support or "personal care".

As Baroness Hollis explained in the other place, the measure has a long history. We inherited a situation whereby many thousands of vulnerable people had come to rely on housing benefit, which is generally intended

[Mr. Bradley]

to meet only accommodation-related support services that relate to the "bricks and mortar" of a dwelling, to fund the support services needed to keep them in the community. The previous Secretary of State had commissioned an interdepartmental review to consider the long-term funding of that sector.

The trigger for the amendments was a divisional court judgment in July last year to the effect that only service charges that relate to the fabric of a dwelling are generally eligible for housing benefit. Evidence suggested, however, that most local authorities may have been meeting a wider range of service charges for personal support from housing benefit than was originally intended.

The ruling meant that there was a danger of a potential crisis in community care. The Secretary of State therefore immediately announced interim measures legitimising the vast majority of such payments in order to provide stability for tenants and landlords in "existing supported accommodation" pending the implementation of a sustainable long-term funding regime that could protect and maintain that important component of community care.

The measures consisted of interim regulations that took effect from 18 August 1997, which enable all reasonable charges for general counselling and support in "existing supported accommodation" to be met from housing benefit, and a compensation scheme to enable authorities to compensate providers that had lost income because housing benefit was no longer meeting charges for "personal care".

The new clause is designed to provide stability for local authorities that have previously met a wider range of support charges from housing benefit than was originally intended, by similarly legitimising such payments as having been properly made.

I must stress that we did not reach that decision lightly. In proposing to legitimise such payments, however, we have given weight to the fact that they have enabled, and presently continue to enable, many thousands of vulnerable people to live independently in the community.

Most such payments will be for personal general counselling and support, which will be eligible under the interim regulations from 18 August 1997. We therefore propose to validate such payments up to that date. Remaining payments not eligible under the interim regulations, which will mainly be those where housing benefit has previously met ineligible charges for "personal care" in "existing supported accommodation", which are eligible for help under the compensation scheme, will be validated until either the benefit payable in respect of the charges is reviewed and revised following the introduction of the interim regulations on 18 August 1997, or up to the final cut-off date of 31 March/5 April this year, whichever falls first.

I commend the amendments to the House.

Mr. Peter Bottomley (Worthing, West): I shall not necessarily expect the Minister to answer in detail the points that I make now, because I suspect that what he has just said has gone over the heads of most Members in the Chamber. None the less, I want to declare an interest in supporting groups, including those known as Emmaus, that provide accommodation for people who are moving from being on income support to not being on income support but not being taxpayers either, and who find a community that answers three questions in one place—in effect, a secular monastery.

That is a place where people can find a roof, worthwhile activity and people who will accept them as they are. Not all succeed, but many will. I hope that in time—perhaps not by the millennium but shortly afterwards—there will be about 100 projects throughout the country assisting people who are not teenagers looking for work, whom the welfare-to-work programme may help, but who may have had difficulties such as psychiatric illness or alcoholism. Some may have been criminals; some may still be criminals.

Those are people on the margins of society who are looking for the opportunity to get their lives back together and a degree of confidence. The housing benefit system has properly been used to provide the kind of support that allows them to get out of the benefit trap and regain some degree of confidence; it may enable many of them to get back into the communities where they will be welcomed. I do not ask the Minister to reply tonight, but I hope that those who examine our comments will try to ensure that both the foyer and Emmaus-type projects will be given the allowances and the room that they need. We should not have to tell vulnerable people to go to one place for a day centre, another for a hostel and a third for the chance of finding worthwhile activity and a community that will accept them as they are. I am sure that that matter is related in some way to the Lords amendment, and I am pleased to commend it to the House.

Mr. Keith Bradley: The purpose of the amendment is to legitimise the previous payments that the divisional court ruling made illegal. We are also seeking future long-term funding and a robust arrangement for the type of support that the hon. Gentleman has identified. I assure him that we shall consider that position in the long-term review that is under way in order to ensure that there is stability in supported housing in this country.

Lords amendment agreed to [Special Entry].

Clause 70

POWER TO REDUCE CHILD BENEFIT FOR LONE PARENTS

Lords amendment: No. 77, in page 47, line 15, leave out from

("parent") to end of line 17

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: I inform the House that this amendment involves privilege.

Mr. Bradley: Amendment No. 77 will remove the Government's option of reducing the higher rate of child benefit for lone parents without abolishing it. The Government intend to use the power in clause 72 to remove the differential in child benefit rates for the first child of lone parents and couples from 6 July. Our intention is to align child benefit rates for all families, while protecting lone parents who are already receiving the higher rates.

The drafting of the clause has been causing concern that it might allow the Government to reduce child benefit rates for lone parents to below the rate paid to two-parent families. We have always made it clear that, in our view, the provision does not allow us to do that, and I believe that this amendment will alleviate any lingering concerns once and for all. The amendment should remove any doubt; clause 72 will allow the Government to align only the rates for couples and lone parents. I commend the amendment to the House.

Mr. Peter Bottomley: I have a very different point that can be made in virtually one sentence. In supporting the Government's proposal, I commend to the Minister the idea of reviewing the name child benefit and replacing it with the expression "child cash allowance". The problem with the term child benefit is that it suggests that it is an income support measure for those on the lowest incomes when, in practice, that group cannot receive it—neither one nor two-parent families. I believe that a change in the name would be a great advantage in discussions in the House and between the Chief Secretary and Departments.

Lords amendment agreed to [Special Entry].

Clause 72

RESTRICTIONS ON BACKDATING OF BENEFIT

Lords amendment: No. 78, to leave out clause 72

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker: I inform the House that this amendment involves privilege.

Mr. Bradley: Amendment No. 78 removes from the Bill clause 72, which was to align at one month the time limits for backdating claims for benefits. One of the key priorities set out in the welfare reform Green Paper, which was presented by my right hon. Friend the Minister for Welfare Reform—whom I am pleased to see on the Front Bench tonight—is to ensure that the delivery of social security is flexible, efficient and easy to use. We were not satisfied either that people who are entitled to benefits are given sufficient advice and encouragement to claim them, or that people who should not receive benefits are prevented from doing so. Therefore, as a responsible Government, we decided that, until further progress has been made on issues relating to the claiming of benefit, it would not be sensible to implement the original proposal, and that we would continue our work on the claiming process.

In Committee, I gave a number of examples of benefit claims that could be more successfully worked together, including the registration of birth and child benefit claims, and the registration of death and death benefit claims. We shall continue to work on that, taking account, for example, of the pilot projects that I announced today in a written answer, and examining why some of the poorest pensioners do not always claim the income support to which they are entitled. If necessary, we shall return to the issue. I commend the amendment to the House.

10.30 pm

Mr. Burns: I do not understand how the Minister kept a straight face while delivering that speech. The Lords amendment gives me the greatest pleasure. The House always likes a sinner who repents, and I am delighted that the Minister has repented.

The Minister for Welfare Reform (Mr. Frank Field): Where is the repentance?

Mr. Burns: The right hon. Gentleman asks where the repentance is; he will now find out.

Until the changes were made in the House of Lords, as a result of the Budget, this Bill, which we have been considering over the past few months, could have been known as the Peter Lilley memorial Bill—with the exception of one clause, it was more or less a leftover from the Conservative Government. The one clause that the Labour Government inserted was a draconian measure to reduce the amount of time in which individuals could backdate benefit claims.

We discussed the clause at great length in Committee, where the Minister, with an equally straight face, defended to the hilt the Government's proposals to make it more difficult for people to backdate their benefit claims. The period was to be reduced from three months to one month—in the case of housing and council tax benefits, the period was to be reduced from 12 months. When the Minister got into difficulties, he came out with a string of exceptions, to which we listened with great interest. He was emphatic that the Government would pursue their course and impose the draconian measure.

Conservative Members objected to the proposal and fought it tooth and nail, but the Government would not listen. Tonight, the Minister has climbed down and accepted the Opposition's arguments. The £58 million that the Treasury would have saved—£42 million of which would be saved from the budget on pensioners, the disabled, the long-term sick and the most vulnerable in society—has been abandoned.

Mr. Field: Do the Conservatives support the amendment?

Mr. Burns: The right hon. Gentleman asks whether we support the amendment. Of course we support it—a blind man could see that we do.

In the spirit of generosity, I thank the Minister for having the courage not to be too proud, but to accept that the Government's proposals were wrong and that we were right.

Mr. Andrew Dismore (Hendon): I welcome the amendment.

Mr. Burns: The hon. Gentleman did not welcome it in Committee.

Mr. Dismore: I raised the issue in Committee, as the hon. Gentleman knows. I also raised it on Report in the context of the industrial injuries scheme, with particular reference to industrial disablement benefit. I should tell Conservative Members that, on Report, my hon. Friend the Minister said that he was sympathetic to what I was

[Mr. Dismore]

saying and that he would consider imaginatively the points that I raised. I am pleased that we are now taking time to reconsider those issues.

Mr. Burns: Will the hon. Gentleman give way?

Mr. Dismore: No, there is not time.

I am glad that the Minister will reconsider backdating, especially in the context of the available information on benefits and of the need to encourage claimants to come forward. Backdating will still be needed in some cases.

Examples of such cases would include diseases with a long incubation period and some progressive industrial diseases that would not allow a clear line to be drawn on where someone would qualify for the benefits: asbestos-related diseases, asthma, repetitive strain injury and many of the industrial cancers. I am grateful for the Lords amendment.

Mr. Rendel: The Government will be pleased but not surprised that the Liberal Democrats support the Lords amendment. We, too, are delighted that they have so completely changed course from everything that they said in Committee and on Report. This is the single most important welfare change in the Lords amendments. It is a great pity that the Government did not have the sense to agree to similar amendments that were tabled in Committee.

This year, there have been four attempts to cut benefits: the cut for lone parents was, sadly, not reversed, although some concessions have been made on child benefit; council tax benefits were mostly reversed, and there is absolutely no reason not to reverse the rest; jobseeker's allowance cuts were completely reversed before they were even presented to the House; and now backdating is to be completely reversed.

All those changes are good news, but there are rumours—and, from what the Minister said, they may be true—that there is still a chance that the reversal of the benefit cuts will be reversed in the summer as a result of the overall spending review. That would be very foolish, considering the weight of opposition that has been mounted. I hope that the Government will have the sense not to try the patience not only of the House but of the people of this country, among whom there is a huge majority against the cuts.

Mr. Keith Bradley: We are reviewing the whole social security system through the Green Paper on welfare reform. As we introduce our new modern service and ensure that the claiming process is streamlined and made more efficient, we can more effectively consider how backdating rules affect claimants. In that context, I can assure my hon. Friend the Member for Hendon (Mr. Dismore) that the matters that he brought to the attention of the House will be examined again. I commend the Lords amendment to the House.

Lords amendment agreed to [*Special Entry*].

Lords amendments Nos. 79 and 80 agreed to.

New clause

Lords amendment: No. 81, before clause 75, to insert the following new clause—*Pilot schemes*—

".—(1) Any regulations to which this subsection applies may be made so as to have effect for a specified period not exceeding 12 months.

(2) Any regulations which, by virtue of subsection (1) above, are to have effect for a limited period are referred to in this section as "a pilot scheme".

(3) A pilot scheme may provide that its provisions are to apply only in relation to—

(a) one or more specified areas or localities;

(b) one or more specified classes of person;

(c) persons selected—

(i) by reference to prescribed criteria; or

(ii) on a sampling basis.

(4) A pilot scheme may make consequential or transitional provision with respect to the cessation of the scheme on the expiry of the specified period.

(5) A pilot scheme ("the previous scheme") may be replaced by a further pilot scheme making the same, or similar, provision (apart from the specified period) to that made by the previous scheme.

(6) In so far as a pilot scheme would, apart from this subsection, have the effect of—

(a) treating as capable of work any person who would not otherwise be so treated; or

(b) reducing the total amount of benefit that would otherwise be payable to any person,

it shall not apply in relation to that person.

(7) Subsection (1) above applies to—

(a) regulations made under section 171D of the Contributions and Benefits Act (incapacity for work: persons treated as incapable of work); and

(b) in so far as they are consequential on or supplementary to any such regulations, regulations made under any of the provisions mentioned in subsection (8) below.

(8) The provisions are—

(a) subsection (5)(a) of section 22 of the Contributions and Benefits Act (earnings factors);

(b) section 30C of that Act (incapacity benefit);

(c) sections 68 and 69 of that Act (severe disablement allowance);

(d) subsection (1)(e) of section 124 of that Act (income support) and, so far as relating to income support, subsection (1) of section 135 of that Act (the applicable amount);

(e) Part XIIA of that Act (incapacity for work);

(f) section 61A of the Administration Act and section 31 above (incapacity for work).

(9) A statutory instrument containing (whether alone or with other provisions) a pilot scheme shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament."

Mr. Keith Bradley: I beg to move, That this House doth agree with the Lords in the said amendment.

The amendment deals with the circumstances in which a person claiming an incapacity benefit is to be treated as capable or incapable of work. It introduces a new regulation-making power to allow pilot schemes to be set up. The schemes will allow us to test the effect of less restrictive definitions of incapacity in order to improve opportunities for disabled people, and to test different measures to determine the most effective ways of helping those sick and disabled people who want to move towards the world of work so to do.

This is an entirely benevolent power. It will allow benefits to be extended to those who might otherwise be excluded, but it will not allow for the removal or reduction of benefit for those currently entitled.

That important safeguard will ensure that the power can be used only in a benign manner. It will enable us to test the effects of allowing people to undertake work trials, or to try a small amount of work as preparation for a return to the labour market. It will also allow us to assess the value of enabling those who will never be able to sustain regular full-time employment nevertheless to participate in the world of work.

I commend the amendment to the House.

Mr. Peter Bottomley: I welcome the amendment. It is not only benign but very important for a significant number of people who may suffer from alcoholism or a psychiatric illness—it is more likely to be psychiatric than physical—and who may be able to work for three weeks out of four, or three months out of four, but who are likely and predictably to have collapses, which make them unable to continue in paid employment.

Any Member of Parliament with a mental health project in his or her constituency, who has heard from someone who has moved from income support to being a taxpayer, will know the difference that such a provision would make to that person's life. If re-entry to the benefit system becomes difficult, people will not take the risk.

I commend the Government's proposal and hope that it works well.

Lords amendment agreed to.

New clause

Lords amendment: No. 82, before clause 75, to insert the following new clause—*Expenditure for facilitating transfer of functions etc.*—

".—(1) The Secretary of State and the Commissioners of Inland Revenue may incur expenditure in doing anything which in his or their opinion is appropriate for the purpose of facilitating either of the following things, namely—

(a) the transfer to the Commissioners of such of the functions of the Secretary of State as are exercisable by the Contributions Agency; and

(b) the exercise by the Commissioners of those functions.

(2) The powers conferred by subsection (1) above—

(a) shall be exercisable whether or not Parliament has given any approval on which either of the things there mentioned depends; and

(b) shall be without prejudice to any power conferred otherwise than by virtue of that subsection.

(3) Any expenditure incurred under this section shall be defrayed out of money provided by Parliament.

(4) In its application to Northern Ireland, this section shall have effect with the following modifications, namely—

(a) for the first reference to the Secretary of State there shall be substituted a reference to the Department of Health and Social Services for Northern Ireland;

(b) for the reference to such of the functions of the Secretary of State as are exercisable by the Contributions Agency there shall be substituted a reference to such of the functions of that Department as correspond to those functions; and

(c) for the reference to money provided by Parliament there shall be substituted a reference to money appropriated by Measure of the Northern Ireland Assembly."

Mr. Denham: I beg to move, That this House doth agree with the Lords in the said amendment.

Mr. Deputy Speaker (Mr. Michael Lord): With this, it will be convenient to take Lords amendment No. 96.

I inform the House that the amendment involves privilege.

Mr. Denham: The Government brought forward in another place amendments to give effect to the national insurance reforms announced in the Budget, and we have debated those separately. For one of the reforms—the transfer of the Contributions Agency to the Inland Revenue from April 1999—the Government need additional powers. They are designed to allow the Government to incur necessary preparatory expenditure in advance of the enactment of the substantive legislation that would effect the transfer. That is the purpose of amendments Nos. 82 and 96.

The transfer of the Contributions Agency to the Inland Revenue represents a major streamlining of the system, which will benefit employers and individual contributors alike. We want to ensure that the transfer takes place as quickly and smoothly as possible. We plan to bring forward appropriate legislation to transfer operational functions to the Inland Revenue in due course. However, finalising the details in time for a new Bill to be introduced in this Session has not proved possible.

Providing continuity of service to contributors and employers in moving to the new merged organisation is vital. There is much to be done to achieve that: we must change computer systems; forms and leaflets must be redesigned; and employers need to be kept informed. We need to start making operational preparations in good time so that, in the event of legislation being enacted to effect the changes, there is no risk of disruption of service in April 1999. That is prudent management designed to ensure that the transfer meets its central aim—improving service to employers and contributors alike.

Amendment No. 82 and the consequential amendment linked to it, No. 96, are designed to ensure that there is no doubt about the propriety of spending the right amount at the right time to make the necessary preparations for the transfer. They provide an essential step towards a smooth and speedy shift of responsibilities, and I commend them to the House.

Mr. Waterson: The aim of the provision is clear, and I am grateful to the Minister for explaining it. However, it is extraordinary that we are debating the proposal for the very first time so late at night; the matter was first raised in another place. Everyone agrees that it is important.

As the Minister said in his recent letter setting out his intentions, which was much appreciated, the provision would enable preparatory expenditure in advance of the substantive legislation. He said:

"It will help the two Departments to share experience, knowledge and skills in combating avoidance and will make better use of resources."

[Mr. Waterson]

The Government decided to introduce the paving power in this Bill

"as it was the earliest suitable legislative vehicle."

Conservative Members dispute that. It should have been dealt with in the usual and, we would say, the proper way, not tacked on to the end of a substantial Bill that has already been in Committee.

The policy is hopelessly muddled—which is all too typical of the Government, whether in social security or in other spheres of government—and no substitute for meaningful and radical welfare reform. That view was expressed in the other place, where Baroness Hollis talked of "streamlining". The Minister also used that word and, as was said in the Lords, we heard that substantive legislation would be tabled "in due course". He told us when that would not happen—that is, during this Session—but I press him a little more on when the legislation will be ready. Will he produce a draft Bill for comment and consultation?

10.45 pm

There was considerable debate in the Lords about what the proposals mean. The transfer of authority would constitute a clear breach of the contributory principle. That is our main objection. It would not only go against everything that the Minister for Welfare Reform has ever said about welfare reform, but would clearly contradict the Government's attempt to restore the contributory principle through their stakeholder pension plans. On 21 December 1997, *The Sunday Telegraph* reported a remark on that subject:

"I do not believe that the contributory principle should be set aside, and certainly not without the most careful thought and full discussion."

I entirely associate myself and my hon. Friends with the words of the Secretary of State for Education and Employment.

Our view is that the proposals put the cart before the horse. They make no sense; we need thoroughgoing proposals for welfare reform. The March 1998 Green Paper on the subject stated that

"changes to the National Insurance scheme provide an opportunity to update the contributory principle. We will examine the link between paying contributions and earning entitlements to benefits with a view both to simplifying further administration of the scheme for employers and emphasising the link between work and earning benefit entitlement."

How do the Government square their decision to merge the Contributions Agency and the Inland Revenue with the commitment to update the contributory principle? The proposed merger appears to be a first step in a more far-reaching programme of tax and benefits integration, although the word "integration" did not find favour with Baroness Hollis, who preferred to talk about "alignment", whatever that may mean. It is another spin doctor-manufactured word.

A number of problems are involved with merging taxes and benefits, none of which has been satisfactorily addressed by the Government so far. First, whereas assessment for taxes is based on individual income, assessment of eligibility for benefits is usually based on the family unit. The Government are already in a mess of their own making over their attempt to square that circle in the working families tax credit package. Secondly, there is the problem of the period of assessment. Taxes are assessed annually, but benefits are based on short-term need. The assessment of a benefit claim, therefore, is logically based on a much shorter period.

The Government's stakeholder pension proposals are said to be aimed at strengthening the contributory principle and bringing people on low or irregular pay into the system. That policy objective will be undermined by the decision to push for further integration of tax and benefits. It is perfectly clear, as it has been for the past year or more, that the Government cannot agree among themselves on a single course for their welfare reform project, which is one of their flagship policies.

It is a fiction to suggest that national insurance contributions are not a tax in every sense of the word. We have heard about the definition, or lack thereof, of the word "alignment", which was used in the other place. What savings does the Minister envisage resulting from the policy? It was stated in the other place that the estimate of 200 jobs saved should be a gross underestimate. It is clear to the Opposition that there are a considerable number of problems with the policy, which have not been thought through by the Government. They are putting the cart before the horse. It would be unwise for the Government to proceed with this further integration of tax and benefits unless those problems have been properly addressed. In those circumstances, we cannot support the amendment and we shall press it to a vote.

Mr. Peter Bottomley: I agree strongly with my hon. Friend the Member for Eastbourne (Mr. Waterson). In another place, my predecessor Lord Higgins made the point that this matter ought to have formed a separate Bill, or should have been included in a Finance Bill.

Anyone who has actually considered the new clause will notice that subsection (4) is uncontroversial, in that it applies to Northern Ireland that which would otherwise apply to the rest of the United Kingdom. Subsection (3) states:

"Any expenditure incurred under this section shall be defrayed out of money provided by Parliament",

which is fairly normal. However, when one reaches subsections (1) and (2), one finds that, if not quite Henry VIII, they are at least Henry VII, if I can put it that way. They basically say that, whatever other provision Parliament makes, the Government can spend money on what they want in respect of this matter.

There are particular issues relating to the amalgamation of national insurance contributions and taxation, whether from the point of view of the employer or the employee, employment or unemployment, or of better administration. Those issues deserve more than a 20-minute debate on the Floor of the House of Commons after 10 o'clock at night. The Government, backed up by their vast serried ranks of Members who were not here for the debate, may be able to force the new clause through, but they ought to feel ashamed of the way in which they have abused their position in Parliament. I hope that the people will notice what they have done tonight.

Mr. Denham: I explained earlier the importance of enabling the preparatory work to take place, so that the

transfer could take place smoothly and effectively next April. I believe that the Bill, concerned as it is with both national insurance matters and our proposals to simplify and streamline the benefits system, is an entirely appropriate way in which to bring those matters before the House and ensure that the preparatory work can be done. Of course, further legislation will be required to effect the transfer and, at that stage, there will be appropriate and full scrutiny of the detail of our proposals. I do not believe that there is an issue on that score.

The hon. Member for Eastbourne (Mr. Waterson) said that there is no sense at all in the proposal, unless we get rid of the contributory principle, but we disagree. We believe that bringing the two organisations together so that employers have to work with only one organisation will be simpler for business, albeit that at the point of merger and beyond there will be two systems—a tax system and a national insurance system with their different requirements. It will be easier for employers to work with one organisation, and the change will give us an opportunity to streamline our operations and simplify our procedures. That is worth doing, irrespective of any future reforms.

The hon. Gentleman rightly quoted the words of the welfare reform Green Paper, that there are opportunities to modernise and update the contributory principle, to simplify it for employers and to strengthen the link between work and earning entitlements to benefits. We shall take that work forward, but I disagree that there is no point in proceeding on the basis of the current system.

The hon. Gentleman asked about savings. The main purpose of the change is to simplify matters by combining the activities of the two bodies. As we have said publicly, we expect some 200 jobs to be saved after April, from a combined work force of 60,000.

We want to provide a better service for employers. The Government's proposal has been welcomed throughout the business community, and I think that businesses will be astounded to discover that the official Opposition have tried to block it by taking an anti-business, anti-employer stance.

Question put, That this House doth agree with the Lords in the said amendment:—

The House divided: Ayes 257, Noes 119.

Division No. 275] **[10.55 pm**

AYES

Ainger, Nick
Alexander, Douglas
Allan, Richard
Anderson, Janet *(Rossendale)*
Ashton, Joe
Atkins, Charlotte
Barnes, Harry
Barron, Kevin
Battle, John
Begg, Miss Anne
Benn, Rt Hon Tony
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell-Savours, Dale
Canavan, Dennis
Caplin, Ivor
Casale, Roger
Chapman, Ben *(Wirral S)*
Chaytor, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Frank *(Stockton N)*
Cooper, Yvette
Cotter, Brian
Cousins, Jim
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr John *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Doran, Frank
Dowd, Jim
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Michael J *(Worcester)*
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Jane *(Reading E)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Hope, Phil
Hopkins, Kelvin
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Hurst, Alan
Hutton, John
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Jones, Barry *(Alyn & Deeside)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kennedy, Charles *(Ross Skye)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Linton, Martin
Livingstone, Ken
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonnell, John
McIsaac, Shona
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Norris, Dan
Oaten, Mark
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pond, Chris

Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Prosser, Gwyn
Purchase, Ken
Radice, Giles
Rammell, Bill
Rapson, Syd
Reed, Andrew *(Loughborough)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Rowlands, Ted
Roy, Frank
Ruane, Chris
Sanders, Adrian
Sawford, Phil
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Spellar, John
Starkey, Dr Phyllis
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Truswell, Paul
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Wallace, James
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Williams, Alan W *(E Carmarthen)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Jane Kennedy and
Mr. Robert Ainsworth.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Beggs, Roy
Bercow, John
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heathcoat-Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Johnson Smith, Rt Hon Sir Geoffrey
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Ruffley, David
St Aubyn, Nick
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Thompson, William
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Woodward, Shaun
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. James Cran and
Mr. Oliver Heald.

Question accordingly agreed to.

Lords amendment agreed to [Special Entry].

Lords amendments Nos. 83 to 165 agreed to.

Lords amendment No. 166 and Government amendment (a) thereto agreed to [Special Entry].

Lords amendments Nos. 167 to 184 agreed to.

PETITION

Duty-free Sales

11.10 pm

Mr. Gwyn Prosser (Dover): I wish to present a petition signed by more than 6,000 citizens of the United Kingdom, many of whom are resident in my constituency.

The petition has been signed by staff employed on Dover's successful ferry fleet and by passengers travelling with the new joint venture company P and O-Stena Line. The petitioners believe that if duty-free sales are abolished in June 1999, there will be a severe impact on jobs in Dover, in other parts of the UK and throughout the European Union. They request that an impact study be conducted before decisions to abolish duty free are ratified.

The petition concludes:

The petitioners therefore request that the House of Commons calls on the UK Government to support a review of the decision to abolish intra-Community duty and tax-free sales . . . beyond June 1999, until a full and proper independent study is undertaken into the consequences of the decision.

I fully support the petition.

To lie upon the Table.

Oil and Gas Platforms

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Clelland.]*

11.12 pm

Mr. Anthony D. Wright: When Greenpeace and other environmental groups successfully mobilised public opinion against the deep water disposal of the Brent Spar offshore platform, they presented the oil and gas industry with a major costly dilemma—a situation which is likely to recur if recent press reports are to be believed. Brent Spar is a massive floating storage buoy, with six floating storage tanks holding up to 50,000 metric tonnes of oil. It comprises 7,000 metric tonnes of concrete and 7,500 metric tonnes of steel. At 137 m in height, it dwarfs Big Ben's tower, which is a mere 95.7 m. When it was taken out of operation, the tanks were drained of oil and sea water was pumped in, leaving a residue of oily sludge that could not be pumped into the ocean. This sludge contains various contaminants, including hydrocarbons, polychlorinated biphenyls and various heavy metals

On the basis of cost and safety, deep-sea disposal was the preferred option for the Brent Spar. Although this decision was approved by the Department of Trade and Industry on 20 December 1994, the balance of the environmental argument—in the public's mind at least—was strongly against that method of disposal. Shell—facing the threat of consumer boycotts and direct action in continental Europe—decided, at the eleventh hour, to seek to dispose of the structure on land, although both the company and the then UK Government believed that deep-sea disposal offered the best practicable environmental option.

The cost of on-land disposal of Brent Spar is likely to be about £23 million to £26 million. The disposal will also be very labour-intensive, involving complex and potentially hazardous operations. Risk analysis suggests that the probability of fatal injury in on-land disposal is six times greater than it is in deep-water disposal. It is also estimated that using even the cheaper, deep-water method to dispose of Brent Spar would have cost £17 million. With about 150 offshore platforms in the southern North sea alone, oil and gas companies, with the Government, face a costly and politically awkward time in decommissioning oil and gas platforms.

There is, however, a third way in which to deal with the problem: recommissioning, or reuse, of platforms. In this debate, I should like to deal with that third, more sustainable option.

Dr. Ian Gibson (Norwich, North): Does my hon. Friend realise that reports in the press state that 60 more oil rigs are likely to be disposed of in the sea? Does he agree that that would be unacceptable, and that finding alternative methods of destroying or recommissioning oil rigs is important not only to the environmental lobby, but to the interests of the British people?

Mr. Wright: I certainly agree with my hon. Friend that that problem will have to be faced. However, the difficulty is one of cost. The system proposed by Versatruss could be used to deal with most of those North sea rigs. The Versatruss system will certainly be an option open to companies in dealing with their rigs.

Although the third option would not be appropriate in dealing with all offshore platforms, I firmly believe that recommissioning will make a valuable contribution to our economy and greatly benefit the environment. However, I should explain what recommissioning entails, and how the groundwork for the future of that innovative idea is being developed in my constituency of Great Yarmouth.

The objective of recommissioning is to extend the life of platforms by refitting and reuse, reducing the cost of decommissioning and thereby increasing the efficiency of oil and gas fields. Currently, an operator is more likely to deem a field to be uneconomic not when it is dry, but when the company believes that its pounds would be better spent elsewhere. "Economic" therefore has no common definition. However, when reassessed, fields that did not seem to be profitable can often be given a new lease of life, especially with the advent of new technologies enabling reuse of platforms.

The process is being developed by the industry under the generic name of "mature asset management". Recommissioning could mean that there is not a cost burden, but residual value at the end of the process, and that a liability thus becomes an asset.

Recommissioning could have a great impact on the industry. It is envisaged that operators may decide to move platforms from one field to another—by, for example, using the Versatruss removal method and recommissioning—as a part of planned asset management.

Briefly, the Versatruss removal method involves the use of a catamaran-style technology, and has been used successfully to move platforms round the Gulf of Mexico. Versatruss is an American company that has made the wise decision of locating its United Kingdom operation in Great Yarmouth.

The body responsible for much of the innovative thinking on recommissioning is the Great Yarmouth Recommissioning Partnership, which was formed because of Yarmouth's failure to attract, in early 1996, the decommissioning of Shell's Leman BK platform. In response to that failure, in September 1996, the offshore sector of the Great Yarmouth chamber of commerce held a conference of local businesses to discuss the matter.

The conference, and subsequent workshops, consolidated the opinions and ideas of local businesses, and set out to establish how to redress Great Yarmouth's late start and initial failure in the decommissioning process. An action plan was formulated, and a steering forum—involving representatives of Amoco UK Exploration, UK Waste, AMEC Process and Energy, and Datadrum Marketing—was established. Members of the university of East Anglia's centre for environmental and risk management were co-opted on to the forum as independent experts.

On 12 June 1997, the steering group introduced the concept of Great Yarmouth as a centre of excellence for recommissioning and the energy industry, and the Great Yarmouth Recommissioning Partnership was born. That partnership offers solutions that are quicker, cheaper and safer than those of any of its competitors. The partnership's report, which goes by the title "Sustain the Flame", sums up the essence of the scheme as the four Rs: remove, recommission, reuse and recycle. It has become known as the Great Yarmouth solution.

[Mr. Wright]

The industry is beginning to agree that decommissioning alone is not the answer. Recommissioning and resale can give value to an asset, which, until the Great Yarmouth solution came along, had been considered a liability. With 150 structures in the southern North sea alone, the prize for Great Yarmouth could be multi-million pound contracts to carry out the recommissioning work, with all that that means for jobs in a town with a high level of unemployment. Furthermore, turning this innovative scheme into action would greatly boost Great Yarmouth's case for an outer harbour, even though the scheme is not dependent on its construction. In fact, it is even possible that a section of a decommissioned platform could form the basic structure of an outer harbour. That is another imaginative example of the reuse of offshore technology.

The viability of the scheme has been greatly enhanced by the recommendation the European Commission made in February this year, which states that oil and gas platforms should no longer be dumped at sea. The Commission goes on to say that

"all except a small number of the 600 or so installations in European waters can be safely and economically removed and taken to land for recycling and safe disposal."

The Commission concludes that rules should, therefore, be based on the principle of prohibiting the disposal of platforms at sea. The European Council will be asked to confirm that that is the policy which the Commission should put forward on behalf of the European Union in talks at the all-important Ospar convention, which will shortly determine future policy in this sphere.

As I said, a significant number of offshore platforms are located in the southern North sea. That means that the port of Great Yarmouth is ideally situated to take on the specialised work involved in the recommissioning process. Indeed, EC waste legislation is driven by the proximity principle, which supports the use of the nearest appropriate facility. There are obvious reasons why that principle is important in this particular application, as hon. Members with sea-going experience or knowledge of the North sea will understand. Movement of these relatively large structures requires good weather conditions, and, to limit the risk to life and limb from rough seas and high winds, it is important that the minimum time is spent in relocation.

Of course, the long-term use of non-renewable fossil fuels is not necessarily secure, as it does not solve the problem of climate change, which is of great concern to a seaside town such as Great Yarmouth. However, the recommissioning example in Great Yarmouth demonstrates that the oil and gas industry, academics and the Government can come together to form successful partnerships capable of producing imaginative solutions to pressing environmental problems. There is no reason why such partnerships should not be able to provide similar solutions to long-term environmental concerns such as global warming. In Great Yarmouth, there is just such an initiative to develop a centre of excellence for the energy industry, which would build on the success of the Great Yarmouth Recommissioning Partnership and provide innovative energy management energy solutions with a view to the long term.

The partnership approach adopted to advance this particular idea into action should act as an example to industry as a whole. Although the offshore industry in Great Yarmouth has had to weather the economic instability of the past decade, as so often happens, adversity, if not necessity, has proved to be the mother of invention.

I believe that in years to come, the Great Yarmouth Recommissioning Partnership will be seen as the founding father of a scheme that is every bit as important to the well-being of our marine environment as recycling is to our terrestrial environment. The Yarmouth solution could turn an offshore platform from the scrap iron of the sea into a Rolls-Royce of the ocean.

Finally, I firmly believe that the scheme represents a blueprint for the future, as it brings together all the relevant agencies and industry for the benefit of the local economy, and is an example of the type of co-ordinated thinking which the Government should be encouraging.

11.23 pm

The Minister for Science, Energy and Industry (Mr. John Battle): I congratulate my hon. Friend the Member for Great Yarmouth (Mr. Wright) on winning tonight's debate. He has done more than secure an Adjournment debate; he has become the champion for Great Yarmouth on many issues. I hardly ever enter a Division Lobby without being lobbied by my hon. Friend on behalf of his constituents and he is welcome to continue to do that. He has a particularly pioneering vision for employment possibilities in his constituency and we should all follow his example.

I was amused and encouraged by my hon. Friend's reference to a third way—a particularly resonant political theme at present—and the way in which he introduced it into the debate. He proposed the recommissioning of oil and gas installations as a third way between land disposal on shore and disposal at sea. Recommissioning should not be confused with decommissioning. It involves reuse rather than dismantling and presents a practical option which should be considered seriously.

Government policy is to presume in favour of and encourage the land disposal of redundant North sea oil and gas installations. Studies have shown that, in practice, most offshore installations will be brought on shore for reuse, recycling or disposal. The majority will be brought ashore and, as my hon. Friend suggests, reuse may then be the most attractive option for decommissioning.

It is, of course, for the operators to produce detailed proposals for the decommissioning of any particular installation, taking into account all the applicable environmental regulations and policies. Recovered equipment can be reused by the same company, sold to another operator in the UK, or even exported. As my hon. Friend said, not all equipment and structures will be suitable for reuse. Some may not provide the necessary fatigue life for economic reuse and others may simply be old technology, so the option of scrapping and recycling steel and other metals must continue to be available.

Nevertheless, it has been estimated that most gas platforms in the southern North sea are suitable for removal in one piece. Indeed, it is interesting to look at the experience in the gulf of Mexico, where, although platforms tend to be smaller than those used in the North sea, some 40 per cent. are reused. It is happening already and has been found to benefit the operators and the contractors who refurbish the platforms. Of course, it also

benefits the environment. Finally, lower costs, achieved through the reuse of platforms, mean that economically marginal fields are more likely to be developed.

There are approximately 250 offshore oil and gas installations on the UK continental shelf. The majority will reach the end of their useful lives during the next 25 years, but the peak years for decommissioning activity are expected to be between 2003 and 2012. Only a handful of platforms are likely to be decommissioned each year over the next four or five years, but there will be some demand for recommissioning in the near future. For example, the owners of the Maureen platform have recently advertised its imminent availability for recommissioning, and the Balmoral field's semi-submersible is on the market for reuse when production ceases.

It makes quite a difference, of course, if platforms are designed for reuse. I am glad to inform hon. Members that many designers and fabricators take that approach. If they can build into the design the possibility of reuse, we are halfway to resolving the problem and technological solutions can be built in. As a result, some structures have very long life cycles. For example, the British Petroleum Harding field has a jack-up platform which can be moved between developments, and Conoco's Viking-Phoenix field is using a new generation of gas gatherer minimum facilities platforms that are designed with a working life of 20 years. During that time, they will be recovered and moved to other fields when required. Reuse has been built into the design.

It is also helpful that the industry has learnt a lot about the science and engineering of fatigue assessment and structure requalification. Future buyers will have assurances about the long-term structural integrity of the products. Advanced monitoring and inspection techniques will allow companies to estimate the remaining life of the platform and topsides to assess the potential for reuse. That is welcome.

I commend the efforts of the Great Yarmouth recommissioning partnership. The port of Great Yarmouth is the principal operations centre for the southern North sea and has over 30 years' experience of gas exploration and experiment. It has participated in the load-out of numerous offshore structures and has provided quayside construction facilities to the industry. Many operators have based their southern North sea operations in Great Yarmouth. Nearly 5,000 employees work in and around Great Yarmouth in the supply chain, employed by companies such as AMEC, Kvaerner and the Wood group.

The Great Yarmouth recommissioning partnership has a strong base on which to build. The partnership includes the university of East Anglia, Amoco, AMEC, Kvaerner, UK Waste, the chamber of commerce, the Great Yarmouth port authority and other local and regional authorities and official bodies. They have been able to put together a comprehensive picture of requirements for the removal of structures in the southern North sea and are offering the additional element of the recommissioning of equipment and jackets, so opening up possibilities for more of the currently marginal fields to be developed. That is economically and environmentally advantageous. Rather than the big companies simply hitting the big wells and then clearing off, I want the full exploration of marginal fields. The partnership can help to make it economic to develop marginal fields and get maximum use from existing fields, rather than moving away when they are only half exploited, ensuring that the UK continental shelf is properly, sensibly and environmentally sensitively exploited.

All the participants in the Great Yarmouth recommissioning partnership are fully aware of the need to take a medium to long-term view of the market for decommissioning and recommissioning and have identified the infrastructure required to meet the market demand. Most important, they have committed substantial amounts of money and resources to the project. It is an excellent example of partnership between private and public bodies, which we regularly talk about. We want to encourage partnership between local authorities and private sector companies, along with the public port authority. It is a model for other towns.

Technology has not been forgotten in the partnership. As the Minister responsible for science, engineering and technology, that is dear to my heart. I do not think that we can emphasise technology enough. New techniques are being introduced to facilitate recommissioning. I particularly welcome the fact that the Great Yarmouth Recommissioning Partnership has successfully attracted to Great Yarmouth a company that will offer and develop further a technique new to the North sea that can provide a competitive alterative to heavy lift vessels in many cases. My Department is at hand to give advice to the partnership if it wants to take further any applications for research funds. We shall give full support and back-up in the light of my hon. Friend's requests and his positive and imaginative approach.

In conclusion, I congratulate members of the Great Yarmouth Recommissioning Partnership on getting together to work in this area so positively and for spotting a market opportunity that may provide significant employment in Great Yarmouth in the early years of the next century. That is foresight. They are also dealing with new technology and addressing the need to tackle environmental challenges while providing employment. It is what I call a three-term equation of win, win, win. I commend the comments of my hon. Friend the Member for Great Yarmouth for wider consideration. I shall certainly do my best to take them further.

Question put and agreed to.

Adjourned accordingly at twenty-six minutes to Twelve midnight.

House of Commons

Thursday 14 May 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

CONTINGENCIES FUND ACCOUNTS 1996-97

Ordered,

Accounts of the Contingencies Fund, 1996-97, showing:—

(1) The receipts and payments in connection with the Fund in the year ended the 31st day of March 1997.

(2) The distribution of the capital of the Fund at the commencement and close of the year, with the Report of the Comptroller and Auditor General thereon.—[*Mr. Betts.*]

Oral Answers to Questions

TRADE AND INDUSTRY

The President of the Board of Trade was asked—

Bread Pricing

1. **Mr. Gordon Prentice** (Pendle): What representations she has received from independent bakers on supermarkets selling bread below cost price. [40953]

The Minister for Competition and Consumer Affairs (Mr. Nigel Griffiths): I have received representations from my hon. Friend on behalf of W. H. Oddie Ltd., and from him and others on behalf of the National Association of Master Bakers, complaining about predatory pricing of bread.

Mr. Prentice: On Monday this week, I was in Blackpool speaking to the annual conference of craft bakers, of whom there are about 8,000 across the country. They are very concerned that supermarkets are selling bread as a loss leader, for less than the cost for which the small craft baker can bake it. Given the importance we attach to preserving vibrant town centres and our desire to keep bakeries in our high streets, will my hon. Friend give an assurance that the Competition Bill, which we debated on Monday, will be effective in outlawing that sort of predatory pricing?

Mr. Griffiths: The new Competition Bill introduces tough provision against the abuse of dominance in the market, including predatory pricing. In future, selling products at below the average variable cost of production will be presumed to be predatory, without anti-competitive intent having to be proven.

Mr. Michael Fabricant (Lichfield): It is good to hear that the hon. Member for Pendle (Mr. Prentice) has gone to Blackpool, given that the other members of his party have decided that it is not good enough for them. Has the Minister received any representations about the undersale in supermarkets of Calvin Klein and Levi jeans?

Mr. Griffiths: I have received representations from supermarkets asking for support for that practice. I have to inform the hon. Gentleman that our party conference is in Blackpool this year.

Manufacturing

2. **Mrs. Caroline Spelman** (Meriden): What assessment she has made of the impact of the present exchange rate on British manufactured exports. [40954]

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): The Government understand industry's concerns about the strength of sterling and appreciate the difficulties it is causing exporters and manufacturers, but we are determined not to return to the boom and bust policies of the past. We are delivering a stable macro-economic environment, which will allow business to thrive in the long term.

Mrs. Spelman: Is the President of the Board of Trade aware that manufacturing output has fallen for the second consecutive quarter, thus confirming that the sector is now truly mired in recession? What action will she take to offset bleak prospects for exporters as their contracts come up for renegotiation at the higher rates of exchange?

Mrs. Beckett: I am aware of the figures on manufacturing output and I share the concern that has been expressed, although it is still expected that manufacturing output will rise over the year—indeed it is higher than it was a year ago—and the Confederation of British Industry's latest survey shows that manufacturers expect output to rise over the next four months. As for the action we are taking to help exporters, we have restored support for trade fairs, which was cut by the previous Government; we have introduced a programme called export explorer and a programme to address sales leads on the internet; and we have increased support for trade exhibitions and seminars—all of which follows on from a report by the export forum, which the Government set up to take advice from exporters on work that would help them.

Mr. Denis MacShane (Rotherham): Is my right hon. Friend aware that there were increased output and exports from the engineering sector in the first quarter of this year and that the fall in sterling resulting from the clarification on the euro has been welcomed by our manufacturing sector? Most important, is she aware that between May 1990 and May 1997 the value of the pound against the deutschmark changed no fewer than 87 times; and that 20 per cent. of the rise of sterling took place in the last 12 months of the irresponsible, flippant, yo-yo currency stewardship of the Conservative Government? They are to blame for any crisis that our manufacturers now face.

Mrs. Beckett: My hon. Friend is entirely correct. On Monday, I was with a very successful British manufacturer and exporter who went out of his way to tell

me that sterling has not yet reached the same level as it was under the previous Government. He showed me graphs to show how he had coped with it—by putting the emphasis on value and quality, which is the message of this Government, but not of the previous Government.

Mr. John Redwood (Wokingham): Far from abolishing boom and bust, the Government have pulled off the unique double of a bust in manufacturing while there is a boom in everything else. Is the President of the Board of Trade aware of the new fears, expressed in the City following the Bank of England's remarks that there will now probably be higher interest rates and a higher rate of sterling, which will do still more damage to manufacturing? What will she tell the Bank, which is blaming the Government's policy of the minimum wage and differential pay awards—and the higher pay that will result—for the threat of higher interest rates and higher sterling that will do more damage to manufacturing?

Mrs. Beckett: The right hon. Gentleman has clearly not paid attention to what the Bank actually said, because it did not say any of those things.

Mrs. Cheryl Gillan (Chesham and Amersham): It was in the *Financial Times* this morning.

Mrs. Beckett: I am afraid that the hon. Lady is wrong. The Bank said that the level of the minimum wage is important, that it retains its responsibility and concern for inflation and that it is confident that the policy is on course to deliver lower inflation. It said that it would be necessary to reassess its position and its concerns when the level of the minimum wage is announced, but that it did not intend to reach any conclusions in advance of that announcement—thereby showing a great deal more common sense than Opposition Members.

I do not think that it lies in the mouth of the right hon. Gentleman or his hon. Friends to complain about the level of sterling when they have done everything they could in the past few days to talk up the level of sterling by talking down the possibility of the euro.

Mr. Redwood: The President owes it to business to tell it what the minimum wage will be. It is the uncertainty that she is generating in the markets that is doing the damage. If she told us now what the minimum wage would be, the markets could assess the seriousness of a threatened wage explosion and the Bank could take the necessary action. Will she do that?

Mrs. Beckett: Unlike the right hon. Gentleman, the business community is perfectly well aware that the Low Pay Commission will report in the near future and that the national minimum wage will be introduced in April 1999. There is no worry on the part of business: it knows perfectly well what the timetable is.

Mr. Barry Sheerman (Huddersfield): Has my right hon. Friend seen the recent KPMG survey that shows that since the value of sterling has been high there has been no increase in the number of firms calling in the receivers—which is very good news? Will she continue her campaign—which is much appreciated on Labour Benches—to make Britain's manufacturers more productive? That is part of the answer. We shall always have problems with currencies going up and down—that is the truth of the matter—but it is essential to make our companies more productive, and we should continue to campaign for that as vigorously as possible.

Mrs. Beckett: My hon. Friend is entirely correct, and he has campaigned on this issue very effectively for a long time. I share his view completely, and we continue to discuss and address the matter.

Mr. David Chidgey (Eastleigh): Given the damage that has been done to exporters by the recent high value of the pound and the continuing instability of exchange rates, does the President of the Board of Trade accept that the Government must make an urgent and clear commitment about early entry into economic and monetary union? If we do not do that, we shall not provide the confidence and stability that is needed. Will the right hon. Lady impress on the Chancellor that continuing uncertainty is holding back the essential investment that we need in industry, which is not helping to reverse the widening gap in productivity that was mentioned a moment ago?

Mrs. Beckett: I fully understand that that is the view of the hon. Gentleman and of his party, but it is not yet the view of business. Perhaps business will come to hold that view, but the business community—which we consult regularly about such matters—is not expressing it now. Secondly, I remind the hon. Gentleman that in a recent report the Bank of England suggested that, owing to the folly and neglect of the previous Government, it would take some years for British industry even to begin to be ready to go into the euro, should that decision be taken. Thirdly, I remind him that this Government are committed to the triple lock on that decision: Government, Parliament and the people must first decide.

Mr. Geraint Davies (Croydon, Central): Is my right hon. Friend pleased, first, that the markets are looking towards sterling's depreciation, and particularly that sterling is being sold at DM2.7 in the five years ahead market—partly due to George Soros and others, of course—and converging towards DM2.7; and, secondly, that many of the markets and investors are looking towards interest rates going down, so sentiments in the market are extremely positive for manufacturing exports?

Mrs. Beckett: My hon. Friend is right. The market is forecasting both lower interest rates and a lower exchange rate in the longer term, which suggests that the markets understand—as the Opposition do not wish to understand—that the Government are working for stability.

Rural Post Offices

3. **Mr. David Rendel** (Newbury): What assessment she has made regarding the impact of proposals for the increased commercialisation of postal services on rural post offices. [40955]

The Minister of State, Department of Trade and Industry (Mr. Ian McCartney): Both the Government and the Post Office are committed to maintaining the universal postal delivery service, the uniform tariff structure for postal services and a nationwide network of

post offices. Specific proposals for greater commercial freedom for the Post Office will be assessed against those commitments and their contribution to meeting the challenges of changing domestic and international markets for postal services.

Mr. Rendel: I am grateful for that reassurance, which will be appreciated by rural post offices in particular. Does the Minister share my concern that increasing commercialisation could lead to the Post Office's beginning to centralise some of its services so that it can concentrate more on the commercial aspects that may bring in increasing profits? Could not that lead to a further run-down in rural post offices? What does the Minister propose to do about that?

Mr. McCartney: The hon. Gentleman's fears are unfounded. The principle of the review is to maintain and develop the network of 19,200 post offices. Let us remember that only 5 per cent. of villages in Britain have a bank, but 60 per cent. have a post office. Today we announced a new arrangement for the Post Office with British Gas, which will provide new services through sub-post offices. We are looking for business opportunities not for the centre, but for sub-post offices. The Government have given that commitment from day one and will continue to do so, because the Post Office and its services are critical to daily life in Britain.

Mr. Martin O'Neill (Ochil): I congratulate my hon. Friend on the progress that has been made in the review of the Post Office's functions and the Government's acceptance of the Trade and Industry Committee's recommendation that additional commercialisation in the public sector will generate the funds necessary for rural post offices to be protected, so that their services will be available to people in the more distant parts of the country.

Mr. McCartney: I thank my hon. Friend. The Government have lifted the fear of privatisation that for so long hung over the postal services under the previous Government. We are moving forward to deliver a new postal service that will ensure, in rural and urban areas and internationally, new business opportunities for the Post Office in general and for sub-post offices in particular.

Mr. Richard Page (South-West Hertfordshire): Despite the apparently comforting response to the hon. Member for Newbury (Mr. Rendel), are not the Government's proposals too little and too late? Everybody wants the Post Office to have greater opportunities from commercialisation. Other postal administrations are already going down that route—the Dutch post office has purchased TNT and the German post office has taken a 22.5 per cent. stake in DHL. When will the Government do a BT and set the Post Office free?

Mr. McCartney: The hon. Gentleman is a failed Minister at the Department of Trade and Industry. It is no good his coming now, so many years later, to ask Ministers at the Dispatch Box how we are rebuilding a Post Office from the wreck left by the previous Government. From day one of this Government we have made the Post Office a priority, and we shall continue to do so.

Manufacturing

4. **Mrs. Diana Organ** (Forest of Dean): If she will make a statement about the competitiveness of British manufacturing industry. [40956]

The Minister for Competition and Consumer Affairs (Mr. Nigel Griffiths): United Kingdom manufacturing productivity is 20 per cent. lower than that in Germany and France and 40 per cent. lower than that in the United States. It is critical that we improve. Last year, my right hon. Friend the President of the Board of Trade established six business-led working parties whose conclusions are shaping the forthcoming White Paper on competitiveness.

Mrs. Organ: In shaping the future White Paper on competitiveness, what assessment has the Department of Trade and Industry made of manufacturing output, investment and employment during the period July 1989 to April 1992?

Mr. Griffiths: Output fell by 2 per cent. a year on average, investment fell by 7.8 per cent. and 750,000 people in manufacturing lost their jobs. Throughout those years, the right hon. Member for Wokingham (Mr. Redwood) was a Minister at the Department of Trade and Industry presiding over the decline. Under my right hon. Friend the President of the Board of Trade, the last three months' figures show that manufacturing output, exports and employment are up.

Sir Peter Tapsell (Louth and Horncastle): Does the Minister recall that, when the dollar was floated in 1971, there were DM8.5 to the pound compared with a little under DM3 today and 600 yen to the pound compared with a little over 200 today, yet in the 25 years that followed the Smithsonian conference in 1971 the German and Japanese economies not only prospered, but their productivity outpaced that of all other industrial countries in the world? Does not that show that a strong currency, if properly handled by industry, can be of immense benefit to an exporting industrial economy? Is that not in fact the real nature of the golden economic legacy the Government have inherited from the Conservative Government?

Mr. Griffiths: Far from it. If the hon. Gentleman cares to join me in talking to the CBI and manufacturers throughout Britain he will realise that they know that the previous Government's record on manufacturing and business was abysmal. It is fortunate that in the past quarter figures have improved and that the Government have taken firm steps which, had they been taken 18 years ago, would have put our business record on a much better track.

Low Pay Commission

5. **Mr. David Hanson** (Delyn): If she will make a statement about the work of the Low Pay Commission. [40957]

The Minister of State, Department of Trade and Industry (Mr. Ian McCartney): The Low Pay Commission has completed its comprehensive programme of consultation to obtain views of employers, employees, interested organisations and individuals on the national minimum wage and related issues. It also undertook a series of visits to seek local opinions throughout the UK, including Wales. I understand that it is on course to make its recommendations to the Government by the end of this month.

Mr. Hanson: Is my hon. Friend aware that the Low Pay Commission's recommendations will be particularly welcome in Wales, where 43,000 people still earn less than £2.50 an hour and where 2,000 of my constituents are condemned to family credit by low-pay employers? Can my hon. Friend confirm that, at the end of the Tory years, the inequality in pay levels was greater than it was in Victorian times? In view of that, will he take the opportunity to ask the right hon. Member for Wokingham (Mr. Redwood) about his views on the minimum wage, given his leader's support for it?

Mr. McCartney: I can confirm that the legacy of the previous Government was one of the highest ever levels of poverty and low pay in the United Kingdom. Whether in Wales, Scotland, England or Ireland, the levels of low pay were truly horrendous. The right hon. Member for Wokingham (Mr. Redwood) will have to answer for himself, but it is interesting to note that he has not yet given any support to his party leader, who has made a policy U-turn in that he is now willing to accept the introduction of a minimum wage. Perhaps the right hon. Member for Wokingham will say whether he will continue to oppose the introduction of a minimum wage following the recommendation of the Low Pay Commission.

Mr. Tony Baldry (Banbury): Before the Minister disappears from the Dispatch Box, will he agree that the minimum wage can be summed up simply? If it is set at or below market levels it will be otiose; if it is set above market levels it will lead to a loss of jobs. Is not that the simple fact?

Mr. McCartney: When Conservatives talk about the minimum wage, they usually use the word odious rather than otiose. I shall give the hon. Gentleman a simple explanation: the minimum wage will be good for business and good for the workers. It will be equitable and its level will be set due to economic circumstances. Millions of people in Britain are ready and waiting for its introduction.

Mr. Chris Pond (Gravesham): Can my hon. Friend confirm that 80 per cent. of the electorate, including two thirds of those who still admit to being Conservative supporters, believe that a national minimum wage is a good idea and support it firmly? They understand that it is not only a way of dealing with the major social injustice left by the previous Government, but good business sense. Will he also confirm for Conservative Members who still carry around their O-level economics textbooks that the evidence shows that a minimum wage can help to enhance productivity, efficiency and, therefore, employment?

Mr. McCartney: My hon. Friend is absolutely right. The only people in Britain who oppose the introduction of a minimum wage are the Rag, Tag and Bobtail outfit in front of us—the shadow Department of Trade and Industry team. A majority of businesses and, overwhelmingly, the people of Britain want a national minimum wage to be introduced. International and national comparisons—I include the United States in that—show that a sensibly introduced minimum wage helps to create jobs, not to destroy them.

Mr. Tim Boswell (Daventry): At least we now know from the Minister that the figure will be published in a fortnight. We can then start the fully informed debate on the subject.

Has the Minister noticed yesterday's news on inflation and the concern expressed by the Chancellor about increases in the private sector, especially in pay rates? Has he noticed the warnings in the Bank of England's inflation briefing about the fact that its computations could take no account of the recent decline in the exchange rate or the introduction of the minimum wage? What conclusions has he drawn about likely implications for pay differentials, for inflation and for the future course of interest rates?

Mr. McCartney: Why should there be surprise that the Bank of England seeks to have a view on any report published by the Low Pay Commission? The Government made it clear from the outset, when we established the LPC, that it would have to make recommendations based on economic circumstances, which include issues surrounding the economy, including inflation. There is nothing new in that.

There is also nothing new in the Government talking to people in the labour market about pay restraint, and that includes people at the top of the tree. Unlike the hon. Gentleman, we are prepared to be even about the matter and to say to people at the very top, including those who support the Conservative party and campaigned against the minimum wage, that it is about time they showed pay restraint and that there should be social justice at the bottom through the introduction of a minimum wage.

Mr. Michael Clapham (Barnsley, West and Penistone): In the context of the minimum wage and the fairness at work package, has my hon. Friend had discussions with United Kingdom-based multinationals such as Rio Tinto about the need to promote human rights and to protect the environment in areas of the world where they practise?

Mr. McCartney: I thank my hon. Friend for asking such a good question. Through trade arrangements and arrangements in Europe, the Government regularly work nationally and internationally to ensure that agreements in trade organisations include human rights and employment and environment rights. We have been negotiating in the World Trade Organisation, in the multilateral agreement on investment and in other international agreements to ensure fair standards throughout the world, including in multinational companies working in third-world countries. The Government are clear about that commitment. We meet business all the time. Inward investors come to Britain for our skills and knowledge and, in the main, provide good business practice, which I welcome.

Economic and Monetary Union

6. **Mr. Nigel Evans** (Ribble Valley): What assessment she has made of the effect the introduction of EMU in other EU states will have on the competitiveness of British firms. [40958]

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): Economic and monetary union will create both opportunities and competitive challenges: opportunities for British companies that are prepared to expand into new markets as trade becomes more open in the euro-zone, but challenges for the unprepared.

Mr. Evans: The assistance given by the DTI team to help Back Benchers with their questions is legendary. I should like to thank the Secretary of State's parliamentary private secretary for her assistance with this question. It is a great shame that, although the questions are inspired, the answers never are. When will the Government take responsibility for the fact that their policies have led to the strength of the pound? The Government's acceptance of the fudged criteria has allowed 11 other countries to go ahead with the single currency. If they want British companies to be competitive in Europe and in the rest of the world, they should listen to Jacques Delors, who said that deregulation and competitiveness had enabled Britain to become a magnet for inward investment. The Government's adoption of the social chapter and the minimum wage will make British companies uncompetitive with the rest of Europe.

Mrs. Beckett: The hon. Gentleman is clearly unaware that two thirds of the increase in sterling took place before the election. Consequently, it is hard to see how the Government's policies can be held responsible for the strength of the pound. Perhaps he was not present earlier when I pointed out to the right hon. Member for Wokingham (Mr. Redwood) that it is no good Conservative Members complaining about the level of sterling being too high, when by trying to damage confidence in the euro they are talking it up.

Mr. Jim Cousins (Newcastle upon Tyne, Central): Will the Secretary of State acknowledge the good work of companies such as Siemens that intend to trade in the euro internally in Britain and to offer advice and guidance to their suppliers and to those to whom they sell about how they, too, can trade in the euro so as to obtain the advantage of currency stability and gain practice for selling to European markets? Does she welcome that? Will she give an undertaking that the DTI will follow through that example and offer assistance to smaller businesses?

Mrs. Beckett: It has often occurred to me that one of the greatest failures of the Conservatives in government was not preparing themselves for the advent of the euro and giving British business, especially small and medium enterprises, which will be the most vulnerable, the impression that the only thing that mattered was whether Britain went in. They failed to point out to businesses that they will be affected by the launch of economic and monetary union whatever decision Britain makes. My hon. Friend is right about the need to give advice and support to businesses. We are doing that in a variety of ways, including a series of regional seminars.

Mr. Edward Garnier (Harborough): What evidence did the President of the Board of Trade rely on in her main answer to my hon. Friend the Member for Ribble Valley (Mr. Evans)?

Mrs. Beckett: I am not quite sure what the hon. and learned Gentleman means. I told the hon. Member for Ribble Valley (Mr. Evans) that there will be both opportunities and challenges. We have consulted extensively with British business, and that is very much its view. The challenges are obvious: I was just referring to them. People who are unprepared will face difficulties. As to the opportunities, British businesses that are genuinely competitive may find that, in the euro-zone market, price transparency will give them a potential competitive advantage. It is therefore all the more essential that businesses that could prosper in that environment take advantage of that opportunity.

Automotive Industry

7. **Barbara Follett** (Stevenage): What action she has taken to promote the competitiveness of the automotive industry. [40959]

The Minister for Science, Energy and Industry (Mr. John Battle): The Department is taking a number of measures to encourage all parts of the automotive industry to maximise their international competitiveness and to strengthen the United Kingdom's advantages as a location for investment.

Barbara Follett: I thank my hon. Friend for that reply and congratulate him and his Department on their efforts to foster research between universities and industries. Combined with the foresight initiative, that will do a great deal more to ensure the future competitiveness of the British automotive industry than was ever done by the Rag, Tag and Bobtail—and otiose—outfit opposite.

Mr. Battle: My hon. Friend refers to the foresight programme. In particular, the work of the cleaner vehicles task force looks to the future of the automotive industry, and to new technologies that will provide new jobs and go some way to tackle environmental problems. I would add only that, in order for the industry to be competitive, we must strengthen back-up companies, and ensure that the sector is strong as we move into a new century.

Mr. John Bercow (Buckingham): What rationale can the Minister offer for the Government's policy of, on the one hand, encouraging people to abandon their cars and use public transport, and, on the other hand, handing out large subsidies to car manufacturers in an attempt to boost their competitiveness? Can the hon. Gentleman get his mind around that paradox, and explain it for the benefit of the House?

Mr. Battle: I had not previously heard the Conservatives campaigning for the abolition of the car; now, it seems, they are. The scheme to which my hon. Friend the Member for Stevenage (Barbara Follett)

referred is a middle way towards achieving cleaner vehicles. One option would be to ensure that vehicles burned more environmentally friendly fuel. I do not think that improving the environment ought to be set at odds with vehicle use. The two are not, and will not be, at odds under this Government.

Mr. Richard Burden (Birmingham, Northfield): My hon. Friend will be aware of the importance to the west midlands of the motor industry, including, in particular, the major Rover Group plant at Longbridge in my constituency. Will he take this opportunity to congratulate Rover on exports worth £3.7 billion last year, which is the company's highest ever figure? Is that not a tribute to Rover and its work force, and to the stable environment that the Government have generated for the motor industry?

Mr. Battle: I am happy to endorse what my hon. Friend says. According to the latest figures, United Kingdom car production is at its highest for 24 years, and represents 10 per cent. of UK exports. It is a successful sector, and will continue to be so under the Government.

Post Office

8. **Mr. Alasdair Morgan** (Galloway and Upper Nithsdale): What discussions she has had with the Post Office regarding minority share sales. [40960]

The Minister of State, Department of Trade and Industry (Mr. Ian McCartney): I have discussed with the Post Office our wish to give it the commercial freedom that it needs to meet changes in domestic and international markets. The Government have commissioned a review of possible options for achieving that, and the Post Office is closely involved in the work. A minority share sale is just one of the options for consideration.

Mr. Morgan: The Minister is aware that the public are against privatisation of the Post Office, but is he aware that they will also be deeply sceptical about any move to sell shares in the Post Office? Is he prepared to put an upper limit on the percentage of shares to be sold, or—even better—will he rule out the option altogether?

Mr. McCartney: The terms of reference are unequivocal. The Post Office will remain in the public sector, and will continue to provide a universal postal service under a uniform structure with a nationwide network of post offices. Privatisation is off the agenda: it is not part of the Government's policy. We have made it absolutely clear that we are seeking to create joint ventures involving the public and private sectors, and the creation of a public sector trust and an independent public corporation. A range of issues is being considered, and, when the issues have been considered, we will bring proposals before the House—probably in the autumn—to take the Post Office into the next century.

Mr. Desmond Swayne (New Forest, West): Is the Minister aware of the level of public disquiet already caused by competitive pressures, which has led to the extraordinary phenomenon of two public demonstrations in New Milton regarding closure of Ashley Stores post office? Will he meet a delegation of my constituents to hear their concerns?

Mr. McCartney: I understand the hon. Gentleman's feelings. Thank goodness he has a Labour Government, who will save the Post Office from the damage caused by the last Government. If the hon. Gentleman will write to me about his case, I will be prepared to see him to discuss it, because I have an open-door policy. Let me make it absolutely clear that the Government are safeguarding the rural and urban network that the last Government wanted to privatise.

Arms Exports

9. **Mr. David Heath** (Somerton and Frome): How many licences have been granted for the export of arms to Indonesia in the current year to date. [40961]

The Minister for Small Firms, Trade and Industry (Mrs. Barbara Roche): Between 1 January and 3 April 1998, 28 individual licences were issued covering the export to Indonesia of goods that are listed in part III of schedule 1 to the Export of Goods (Control) Order 1994. The list is much broader in scope than just arms, and includes a wide range of equipment. All the applications for the 28 licences were circulated for advice to the Foreign and Commonwealth Office and to the Ministry of Defence, and considered under the criteria that were announced last July by my right hon. Friend the Foreign Secretary.

Mr. Heath: Why are we in the business of selling arms to a regime that is bankrupt both politically and economically? Is the Minister not concerned when she sees democratic demonstrations in Jakarta being put down by British-made water cannon firing British-supplied nerve gas? What price an ethical foreign policy?

Mrs. Roche: The Government are extremely concerned by the current situation and are monitoring it very closely. The hon. Gentleman will also want to know that, since coming to power, we have refused licence applications for Indonesia covering sniper rifles and other firearms, spare parts for firearms, military vehicles and a military simulator. As I have said, we are monitoring the situation very carefully and we are looking at reports that water cannon, supplied from the UK under licences that were issued by the previous Government, have been used.

Ann Clwyd (Cynon Valley): Will my hon. Friend confirm that Indonesia is covered by export credit guarantees of more than £1 billion and that £800 million of that is for military exports? Would it not be better if we had a debate in Parliament about whether arms should be exported to sensitive countries, as happens in the United States Congress? In the circumstances, will she urge her right hon. Friends to freeze all arms sales to Indonesia as from now?

Mrs. Roche: No, I certainly cannot give my hon. Friend that assurance. She knows that we continue to monitor the situation very carefully. It was this Government who, unlike the previous Government, introduced the criteria by which every application is

measured. We already give information on those other matters. Of course, it is for the business managers to decide when debates can take place, but my hon. Friend might wish to pursue other actions open to her to secure a debate on the Floor of the House.

Mr. John Redwood (Wokingham): What does "ethical policy" mean when we see farces day by day, over Sierra Leone and now Indonesia? Did the Foreign Office receive the documents? Did it read them? Why did DTI Ministers not themselves see that there would be an unfortunate circumstance if the Indonesian regime used any of the materials—these armaments and anti-riot goods—against its own population, as we see it doing on television now? Why did not the Minister, and particularly the President of the Board of Trade, understand the sensitivity of the matter? Was the Foreign Office asleep on duty again? How can the Minister explain the 56 export licences under her Government?

Mrs. Roche: The right hon. Gentleman is speaking absolute nonsense. This party—the Government—will take no lectures from him or from the Conservative party. They had no criteria. It was my right hon. Friend the Foreign Secretary who introduced the criteria and who has fully answered all the questions on this matter. I have clearly said that there have been refusals because we are concerned about the situation and we are monitoring it on the ground. We will not take any lectures from the right hon. Gentleman, thank you very much.

National Minimum Wage

10. **Mr. Tony McNulty** (Harrow, East): When she expects the Low Pay Commission to report its recommendations for a national minimum wage to her Department. [40962]

The Minister of State, Department of Trade and Industry (Mr. Ian McCartney): I expect the Low Pay Commission to make its recommendations to the Government by the end of this month on the level at which the national minimum wage might be introduced.

Mr. McNulty: I welcome that response and the earlier response to my hon. Friend the Member for Delyn (Mr. Hanson), as will the 1,000 families in Harrow in north-west London who still rely on family credit. I know that this is tedious for my hon. Friend, but will he try again to elicit the views of the right hon. Member for Wokingham (Mr. Redwood) on this issue? We know that the right hon. Gentleman can be forthright because we have read his views about the Leader of the Opposition. Will my hon. Friend try to ascertain, in the interests of consensus—

Madam Speaker: Order. I have told Back Benchers before that it is for the Government to account for their policies and actions, not those of the Opposition.

Mr. McCartney: That was a good try by my hon. Friend.

Madam Speaker: No, it was not.

Mr. McCartney: You, Madam Speaker, say that it was not a good try, and I will not challenge your wisdom.

My hon. Friend is absolutely right. The Government have, at great speed, taken the opportunity to introduce a national minimum wage. Conservative Members, particularly the right hon. Member for Wokingham (Mr. Redwood), have been wriggling on this matter for the past six weeks. The right hon. Gentleman does not want to agree with the Leader of the Opposition. He is a one-man band and a one-man party, and soon he will be the only person in Britain who does not support the minimum wage.

Miss Anne McIntosh (Vale of York): Does the Minister have a message for my constituents, particularly those in the hotel, catering and restaurant business, who fear that their jobs may be lost owing to the introduction of a minimum wage?

Mr. McCartney: I know that industry very well because I am a former chef who was sacked for having the audacity to ask for a £1 a week wage increase because of the birth of a child. I take no lessons about the poverty of those who work in that industry from the hon. Lady. It is interesting that the industry supports the national minimum wage. It is sick and tired of being smeared as a low-pay, low-activity industry and wants to change its image, which is why it is now working with the Government towards the successful introduction of the minimum wage.

Utilities (Regulation)

11. **Mrs. Louise Ellman** (Liverpool, Riverside): What plans she has to change the regulatory framework for the utilities to give increased priority to consumers' interests. [40963]

The Minister for Science, Energy and Industry (Mr. John Battle): It is the Government's intention that consumers' interests should be put at the heart of the regulatory system. We said that we would change that system, and we are working towards that. That is why my right hon. Friend the President of the Board of Trade published on 25 March a Green Paper on utility regulation—"A Fair Deal for Consumers: Modernising the Framework for Utility Regulation".

Mrs. Ellman: Will my hon. Friend give me a categorical assurance that the new regulations will be strong enough to deal with the casualties of Tory utilities privatisation? Will they be able to deal with the legacy of fuel poverty, whereby poorer people get the worst deal? Will they be able to deal with the outrageous situation whereby the privatised water companies have increased bills to domestic consumers by an average of more than 95 per cent. since privatisation?

Will my hon. Friend consider making the new regional chambers the focal point of consumer representation in the regions, perhaps by enabling them to call hearings where the utility companies have to come to be called to account by public representatives?

Mr. Battle: I can give my hon. Friend that absolute assurance. The Green Paper includes a substantial programme of action inviting the regulators and the industry to develop a clear action plan to ensure that poorer consumers enjoy more of the benefits of the

privatisation programme. As she rightly said, we inherited a legacy of fuel poverty and there is a horrendous difference between those who can use direct debit schemes and those who are in the trap of having self-disconnecting meters. We have not just been waiting for the White Paper; our response to fuel poverty included reducing VAT on fuel. Proposals for consultation of consumers are also included in the Green Paper.

Dr. Vincent Cable (Twickenham): Is the Minister aware of a serious anomaly in the regulation of the utilities that has arisen this morning because a consortium of local authorities representing the three major parties has been obliged to pull out of the terminal 5 inquiry because of a lack of funding, whereas a regulated monopoly—BAA—is continuing with the support of taxpayers' money because it has been able to offset its costs against tax? Will he undertake to speak to the Chancellor and the Secretary of State for the Environment, Transport and the Regions to ensure that that undemocratic anomaly is addressed as soon as possible?

Mr. Battle: I shall certainly speak to my colleagues in other Departments. If the hon. Gentleman has not had an opportunity to see the Green Paper, I should tell him that it is confined to gas, water, electricity and telecoms. I shall take the matter further with colleagues at the Department of the Environment, Transport and the Regions.

Mr. Eric Forth (Bromley and Chislehurst): Before the Minister gets too impressed by his Back Benchers' rhetoric and crocodile tears over increases in some utility prices, will he take into account the impact of the huge council tax increases levied by Labour-controlled local authorities, and set them against the lousy level of services that most of those authorities deliver?

Mr. Battle: I would be delighted to get carried away with the record of Labour councils, which have done a brilliant job over the years, under incredible pressure from a Conservative Government. They delivered services as the Conservative Government reduced their budgets year on year. Indeed, those councils were usually the ones picking up the pieces following Tory legislation.

Mr. David Drew (Stroud): In my area, we have had the road dug up for the past two months, thanks to Severn Trent Water, the telephones were off on Monday, thanks to BT, and it is guaranteed that any train run by Great Western Trains will be late into Paddington. Does my hon. Friend agree that we cannot wait a moment longer for greater powers for the regulator?

Mr. Battle: As my hon. Friend suggests, the Green Paper proposes to improve the accountability, consistency and transparency of the regulatory process. We believed that it needed reforming; we stated in opposition that we would set about that task. The Green Paper is out for consultation, which closes on 31 May. We will then act on that consultation. Consumer groups and the utilities alike have responded very positively to the Green Paper.

Electronic Commerce

12. **Mr. Ian Bruce** (South Dorset): What proposals her Department has to promote electronic commerce. [40964]

The Minister for Small Firms, Trade and Industry (Mrs. Barbara Roche): Electronic commerce is extremely important and the Government are committed to ensuring that all United Kingdom citizens and businesses have the opportunity to share in its benefits. The Government's programme of linked initiatives in the area is outlined in the policy statement "Our Information Age: the Government's Vision", which was launched by my right hon. Friend the President of the Board of Trade last month.

Mr. Bruce: I thank the hon. Lady for her reply. Does she agree that the best way in which the Government can help to promote electronic commerce is to use it themselves and ensure that, as a major buyer of IT, they are fully compliant and have everything working well, rather than considering subsidies or special schemes? Will she have a word with Ministers in all Departments so that at least they are on board and we Members of Parliament can write to them via e-mail? Still, hardly any Ministers publish e-mail addresses.

Mrs. Roche: I understand the hon. Gentleman's point. He takes a close interest in these issues. It is absolutely right that the Government should lead by example, which is exactly what we are doing. It is important that everybody embraces the benefits that electronic commerce can bring, which is why the Government are doing all that they can in forums such as IT For All and our programme for business. I shall certainly take his points on board. I am sure that he will be pleased with the progress that we have been making.

Mr. Stephen Timms (East Ham): I particularly welcome the publication of "Our Information Age: the Government's Vision", which is an excellent and very impressive statement of the Government's vision in the area. Is not the great disappointment that, in the framework of telecommunications that the previous Government put in place, we have not secured the widespread access to innovative and advanced telecommunication services that we were promised at the time? Is not that the missing jewel, and what we need if we are to be successful, as we all hope, in the implementation of electronic commerce?

Mrs. Roche: My hon. Friend, who is also an expert in these matters, puts his finger on it. We need to do two things. First, we need to ensure that the single market in telecoms in Europe is implemented and a true reality. The Government are absolutely committed to that. All the new services that will flow from that must be provided on the basis that new entrants can tap that newly liberalised market. Secondly, we need to ensure that all our citizens feel comfortable with new technology; that manufacturers ensure that it is as easy to use as possible; and that all businesses, including small and medium-sized businesses use it, too.

Mrs. Cheryl Gillan (Chesham and Amersham): In her enthusiasm for electronic commerce, the Minister will appreciate that businesses are interdependent electronically on an international basis. Has she therefore considered the effect of the millennium bomb on businesses in other countries and the consequences for United Kingdom business of supply-chain failures?

What contingency plans has the hon. Lady made to protect British services and systems against failures elsewhere in the world, which would have a severe knock-on effect on the British economy? Does she appreciate the fact that unless she has well publicised and well thought-out contingency plans, this country may find Labour's slogan coming back to haunt it, and the failures of the few will affect the many?

Mrs. Roche: I think that the hon. Lady was referring to the millennium bug rather than the millennium bomb. That aside, she will know that in the short period in which the Government have been in office we have put in place proposals to spend 17 times more resources than the Government of which she was a member spent in the past 18 years. None the less, the hon. Lady made an important point—*[Interruption.]* Perhaps the hon. Lady will stop talking and allow me to finish. She made an important point about what needs to be done internationally. I am pleased to say that last Friday the United Kingdom hosted an important international event for our EU partners, which I addressed. There is a serious problem, and that is why the Government are putting in so much time and effort.

Competitiveness UK Initiative

14. **Dr. Stephen Ladyman** (South Thanet): If she will make a statement about the progress of her Competitiveness UK initiative. [40966]

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): I set up six business-led working parties last year to look specifically at the weaknesses in United Kingdom companies' performance identified in "A Benchmark for Business", which I published in November 1997. The working parties are examining underinvestment, failure to innovate and to adopt best practice, shortage of skills in the work force, and failure to capitalise fully on the opportunities provided by the information age and by our membership of the European Union. Their work will contribute to a White Paper on competitiveness, to be published in the autumn. In parallel, my right hon. Friend the Chancellor of the Exchequer and I met senior business people this morning in the first of a series of seminars to discuss how to bring about improvements in UK productivity.

Dr. Ladyman: Does the President agree that, under the Tories, too many companies came to believe that, to achieve competitiveness, all they had to do was to cut staff and wait for a devaluation? How does my right hon. Friend plan to convince companies that the only way to achieve competitiveness is to invest in their staff, in new equipment and in research and innovation? In doing that, will she use as an example Pfizer, a company in my constituency—my former employers, in fact—whose huge investment in research has created the world's greatest drug discovery team—

Madam Speaker: Order. I could give the hon. Gentleman an Adjournment debate if he wishes—but now I want to move on through the Order Paper. Come along.

Dr. Ladyman: Will my right hon. Friend use as an example of good practice the innovations of Pfizer, whose great team has discovered Viagra, which has been much publicised and is, I suspect, eagerly awaited in all parts of the House?

Mrs. Beckett: My hon. Friend is entirely right about the importance of the factors to which he drew attention in terms of investment in skills as well as in a variety of other ways. One of the issues that we discussed this morning with business—and will continue to discuss with the business community—is how to get those messages across throughout English business, including small and medium-sized businesses. There seems to be general agreement that a combination of best practice, mentoring and, in particular, business people themselves spreading the word down the supply chain, seems likely to produce the most effect. We are continuing to discuss the issues. I am aware of the tremendous reputation of Pfizer, which has substantially increased its inward investment in this country since the Government came to power.

Mr. David Prior (North Norfolk): Does the right hon. Lady believe that the compulsory recognition of trade unions will improve the competitiveness of British industry?

Mrs. Beckett: The hon. Gentleman is labouring under a misapprehension. The Government will introduce a framework of legislation to bring about the recognition of trade unions should a majority of the work force wish. That is a simple human right, and I am surprised that the hon. Gentleman opposes it.

Kyrgyzstan

15. **Mr. Andrew Robathan** (Blaby): If she will make a statement on United Kingdom trade relations with Kyrgyzstan. [40967]

The Minister for Small Firms, Trade and Industry (Mrs. Barbara Roche): Trade relations with Kyrgyzstan are the warmest they have been since the country achieved independence. The country is preparing for clear and rapid integration into the global economy and we fully support its efforts to join the World Trade Organisation on the right terms.

The Prime Minister of Kyrgyzstan is in London with a large delegation of Ministers for an important investment conference and I shall be meeting him and his colleagues for discussions later this afternoon.

Mr. Robathan: I am delighted that the Minister is meeting the Prime Minister of Kyrgyzstan today. I know that that Prime Minister and his colleagues in the Kyrgyz Parliament and Government are grateful for the support they have received from this Government and the

previous Government as the country comes out of its past in the Soviet Union. Will the Minister confirm whether export credit guarantees now cover Kyrgyzstan, and whether the know-how fund can be used to greater effect there?

Mrs. Roche: I should be interested in any representations that the hon. Gentleman might care to make to my ministerial colleagues and me about the use of the know-how fund. As regards export cover, officials from the Export Credits Guarantee Department visited the country last month to review the position. The review will take some months and it would be unwise to predict the outcome.

Mr. Tam Dalyell (Linlithgow): Given the importance of Kyrgyzstan—especially in light of this morning's conference, attended by many in British industry—and that country's commitment to democracy, and given the fact that the Kazakh capital is moving from Almaty, will the Government reflect on whether it would be wise to have an embassy with trade officials in Bishkek as separate from the embassy now covering both Kazakhstan and Kyrgyzstan?

Mrs. Roche: I am glad that my hon. Friend found the conference so useful. From what we understand, it was a great success. On the specific question he asked, we have no plans at present to move diplomatic representation from Almaty, so cover for the country will continue as it is. In the longer term, we will take into account my hon. Friend's representations.

India (Nuclear Tests)

3.31 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): With permission, Madam Speaker, I should like to make a statement on the recent nuclear tests in India.

On Monday, the Government of India announced that they had conducted three nuclear tests, including one thermo-nuclear device. On Wednesday, the Government of India confirmed two further nuclear tests. According to a statement by the Government of India yesterday, the last two complete the planned series of nuclear testing. These were India's first nuclear tests since 1974.

Nuclear proliferation is a serious threat to the stability and security of the international community. We and our partners have sought vigorously to prevent the technology and equipment for nuclear weapons programmes from being acquired by states that might use them to develop a nuclear weapons capacity. Last weekend, the G8 Foreign Ministers committed our countries to strengthen further the safeguard systems against nuclear proliferation. The recent nuclear tests by India undermined the efforts of the international community to prevent nuclear proliferation, and may encourage other states that wish to do the same.

Nor will these tests help the security of India. An increase in tension in the region cannot be in the interests of India, and the escalation of an arms race in the sub-continent cannot help to tackle the poverty in which millions of its people live. The sharp reaction by China demonstrates the danger that such tests will increase tension, rather than strengthen security.

We have already expressed our dismay to the Indian Government. Yesterday, the acting high commissioner for India was summoned to the Foreign Office in order that we could express our concern at the test programme. In New Delhi, our high commissioner led a troika of European Union ambassadors to inform the Government of India of the concern not just of Britain, but of all Europe. I can inform the House that I have today recalled our high commissioner from Delhi for consultation on how Britain and Europe can effectively bring home to the Government of India our anxiety at the damage of these tests to the non-proliferation regime and to the stability of the region.

We shall also seek to co-ordinate our response with our major international partners. Tomorrow's G8 summit in Birmingham will consider how our countries can work together to bring home to the Government of India the dismay of the international community at the resumption of nuclear tests. In a week's time, at the next meeting of the General Affairs Council, we shall seek a common approach by Europe, making clear our opposition to this new challenge to the non-proliferation regime.

The urgent task now is to do all that we can to prevent the tests from provoking other tests in the region. Our high commissioner in Islamabad has led representations by the European Union troika, conveying to the Government of Pakistan our strong view that Pakistan's interests would not be served by a regional arms race. We are urging Pakistan's leaders to show restraint at what we acknowledge is a difficult time for them.

We regret and condemn these nuclear tests. Britain is a leading advocate of the comprehensive test ban treaty and of the non-proliferation treaty. We firmly believe that their provisions provide Britain and all members of the international community with the strongest basis for confidence in their international security. Nobody's long-term interests are secured by encouraging the spread of nuclear weapons. I am sure that the whole House will want to support the Government in sending a united message on behalf of Britain that we oppose and condemn the tests.

Mr. Michael Howard (Folkestone and Hythe): Conservative Members share the right hon. Gentleman's concerns about the nuclear tests that India has carried out and at the prospect that that dismal example may be followed by Pakistan. Nuclear proliferation is one of the greatest dangers faced by humanity as we move towards the millennium.

What position will the Government take, both in the European Union and at the G8 summit this weekend? We know that France and Russia are opposed to sanctions against India, but that the United States, Canada, Japan, Germany, Sweden, Denmark and the Netherlands are either imposing, or considering the imposition of, sanctions. On which side of that divide do the British Government stand?

Will the right hon. Gentleman tell us more about the prospects of India's now signing the comprehensive test ban treaty? What, if anything, can the British Government do to bring that about?

Mr. Cook: I shall respond first to the right hon. and learned Gentleman's last point. The Prime Minister of India has written to say that India may be interested in adhering to some parts of the comprehensive test ban treaty and to the fissile material cut-off treaty, of which Britain is a leading advocate. We welcome the suggestion that India is willing to be drawn into an international dialogue on arms control for nuclear weapons, and we shall seek to build on it. Our ambition must be for India not to adhere to parts of the comprehensive test ban treaty, but to sign, ratify and abide by the whole of what is intended as a comprehensive treaty.

I do not think that it helps our case to suggest, as the right hon. and learned Gentleman explicitly did, that there is a divide in the international community.

Mr. Howard: But there is.

Mr. Cook: There is no divide—there is a range of views on what measures it would be appropriate to use. I believe that the appropriate job for the presidency of the G8 this weekend will be to find the point of maximum unity. Certainly, measures will have to be taken to bring home to the Government of India the strength of feeling in the international community, but it is important that we act with unity and around the maximum point of that unity.

India has aspirations in the international community, particularly at the United Nations. It must now reflect soberly on whether its conduct over the nuclear tests has advanced or hindered those ambitions.

Mr. Gerald Kaufman (Manchester, Gorton): Is my right hon. Friend aware that what we are witnessing is not simply a matter of non-proliferation, extremely serious though that is, but the most dangerous nuclear missile race

[Mr. Gerald Kaufman]

in the world? Both India and Pakistan have not only the missiles to hit each other—and to poison each other and themselves—but the capability to put warheads on the missiles. Is he aware that the director of the CIA has told the United States Government that the confrontation between India and Pakistan is the most dangerous nuclear flashpoint in the world?

We cannot simply stand by—I know that my right hon. Friend does not intend to do that—and say that dealing with the issue on the basis of non-proliferation is enough. I hope that the Government will support sanctions when the G8 meets, but we must also take into account the fact that the reason for the confrontation is the canker of the unsolved problem of Kashmir. As long as the Kashmir problem remains unsolved, the confrontation will continue.

Will my right hon. Friend, who has great courage in these matters, bear it in mind that it is now the responsibility of the international community to intervene actively to try to bring about a solution to the Kashmir problem? Otherwise, a nuclear confrontation might well take place in the Himalayas.

Mr. Cook: I fully echo my right hon. Friend's concern that there are now three nuclear or near-nuclear weapons states in the region, among which great tension exists, and there have been two wars in recent decades. Those are matters of concern not only to those countries but to the international community as a whole. I also agree entirely that a just solution to the issue of Kashmir would do far more for stability and security in the region than any number of nuclear tests.

Mr. Menzies Campbell (North-East Fife): May I associate myself with the Foreign Secretary's expressions of regret and condemnation? Does he agree that if the nuclear tests have caused anger among India's enemies, they have most certainly caused profound disappointment among its friends, of whom there are many in the House? Does he also agree that our condemnation would be rather more soundly based if the United Kingdom had done more to fulfil its obligations under article VI of the nuclear non-proliferation treaty, which requires us to seek general nuclear disarmament?

To show willingness to fulfil those obligations, will the Foreign Secretary confirm Labour's manifesto commitment to deploy no more warheads on the Trident system than there were on the Polaris system that it has replaced?

Mr. Cook: The hon. and learned Gentleman invites me to make a statement that properly belongs to my right hon. Friend the Secretary of State for Defence, but I can assure him that, as a general principle, we stand by all our manifesto commitments. Britain has been a leading supporter of the comprehensive test ban treaty, and the Government have urged it on all other countries and sought to encourage India to adhere to it.

We have also led the way in tabling proposals for a fissile material cut-off treaty, to try to cap further nuclear weapons programmes, and, in a range of forums, we have advanced ideas for international arms control, to try to create confidence among states that do not have nuclear weapons that they do not need to achieve nuclear weapon status to match existing nuclear powers. I regret that India's action may encourage others to contemplate following its example.

Mr. Keith Vaz (Leicester, East): Clearly these are issues of concern. Will my right hon. Friend ensure that, no matter what is said publicly, a constructive, positive and strong dialogue will continue with the Indian Government, who have a long-standing special relationship with this country? How can that happen, when he has recalled Sir David Gore-Booth? Will Sir David return to continue that dialogue? Will my right hon. Friend assure us that, no matter what happens at the G8 summit, we will not cut humanitarian aid to India?

Mr. Cook: I am happy to assure my hon. Friend that, after consultation, it would indeed be our intention that our high commissioner should return to Delhi. I do not disagree at all with the central point that it is important to maintain dialogue and contact with the Indian Government, in order that they may be fully aware of the dismay of their friends and allies in the international community at this development.

I can assure my hon. Friend that we do not contemplate withdrawing aid from India, which is the recipient of our largest aid programme anywhere in the world. We do not think that it would be right effectively to register our protest about a decision taken at the highest levels of Indian society by taking steps that would hit the poorest in Indian society.

Mr. Tom King (Bridgwater): Is the right hon. Gentleman aware that, given not only this testing of nuclear weapons, but the fact that missiles are being tested and being supplied by China to one of the countries concerned and that there is every prospect and danger of a further test in the region, this could hardly be a more dangerous time?

The countries involved have a grievance which, as the right hon. Member for Manchester, Gorton (Mr. Kaufman) made clear, might make people on either side mad enough that they could conceivably justify the ultimate deterrent. In those circumstances and recognising that the test has blown a serious hole in the non-proliferation treaty, in particular the apparent credibility of the United States in being able to monitor any attempts to evade it, it is a matter of the greatest urgency in discussions with the United States and China that we should avoid the serious situation in which others will have observed and learnt from the experience of India. They must quickly be discouraged from following suit.

Mr. Cook: I can assure the right hon. Gentleman that we will co-ordinate closely with the United States on how we both react and will ensure that our messages reinforce each other to the countries of the region and to India in particular. He fairly outlined the intense security environment in which this event has taken place. I do not know that it could correctly be ascribed to the failure of the United States' intelligence or anyone else's—it had been well known for some time that India had a near-nuclear weapon capacity. What is distressing about the tests is the plain and evident decision of the Indian Government to display that capacity and to assert a

nuclear weapon's state role. I very much hope that it will be possible for us to pull back before other countries in the region feel obliged to respond.

Mr. Tony Benn (Chesterfield): Is my right hon. Friend aware that, overwhelmingly, opinion throughout the world will share the concern, anxiety and alarm that have been brought about by the tests? He will be aware that there is a warm welcome for what he said about sanctions—that they should not be used against a people when the Government are responsible, which has some application to Iraq. Is he also aware that the statement he made against India possessing and testing nuclear weapons applies with equal force to this country? Indeed, it is difficult for a moral stand to be taken on that matter by the Government when, in the manifesto on which we were elected, we were utterly committed to the retention and possible use of nuclear weapons. There has to be some logic in this matter. India could certainly claim to have pursued that policy in line with the policies pursued by previous Governments in this country.

Mr. Cook: I have to say to my right hon. Friend that although the Government of India put forward a number of justifications for the nuclear tests, they have not put forward our possession of such weapons, although they have referred to other countries in the region. Also, there is no double standard on the part of Britain. We have not conducted nuclear tests for some time, and we are a signatory to the comprehensive test ban treaty, which we uphold. We believe that India's security would be better served by adhering to that treaty than by continuing to develop nuclear weapons.

Mr. Crispin Blunt (Reigate): Would not the people of India be justified in thinking that there is just a whiff of hypocrisy in our reaction, as the fact that India has possessed nuclear weapons has been known for more than a quarter of a century? Is not India's position analogous to that of France? Having tested its weapons on Mururoa and made the next generation of nuclear weapons secure, France then signed the comprehensive test ban treaty. Would not the best approach now be for Sir David Gore-Booth to remain in New Delhi and encourage the Indians to sign that treaty instead of maintaining their current position?

Mr. Cook: I have to say to the hon. Member that if I had come to the Dispatch Box today and welcomed Indian nuclear tests, I would have been roundly condemned from both sides of the Chamber, and rightly so. Nor is our condemnation simply that of a nuclear weapons state, as many countries that have no nuclear weapons and have never had any ambition to acquire them have also joined us in firm statements of concern, dismay and anxiety. Yes, it is our ambition that India should sign the comprehensive test ban treaty and we will continue to build on the modest opening that India has made for dialogue in that area.

We have recalled our high commissioner precisely so that we can together work out the best way of putting pressure on the Government of India to recognise the concern of the international community.

Mr. Harry Cohen (Leyton and Wanstead): Does my right hon. Friend agree that the nuclear tests are damaging to nuclear proliferation and regional tension, and that the resulting arms race will make poverty in the sub-continent much harder to deal with and will increase it? Does he agree that we should not give aid to Governments who spend a great deal of money enhancing their military forces and developing weapons of mass destruction?

Why are the Americans doing more than we are in acting against the Indian Government over the tests? Should we not stop direct Government-to-Government aid, while putting it through non-governmental organisations to help the poor directly? Will we stop export credit guarantees? Surely we should not subsidise, even indirectly, India's nuclear weapons programme.

Mr. Cook: I welcome my hon. Friend's robust support for our criticism of the nuclear tests. It is not fair for us to respond to them by withdrawing aid, which would affect the most vulnerable people in India. The aid that we provide is not handed over to the Government of India as some sort of funding arrangement, but is directly administered, overwhelmingly by us and often in collaboration with NGOs, to make sure that it gets through to the poorest people in the poorest regions of India, primarily in rural areas. I doubt whether it would be particularly effective pressure on Delhi were we to turn off that tap, but it would have an immediate and direct effect on communities living barely at the level of subsistence. I do not think that it is the appropriate response.

I do not disagree with what my hon. Friend said about the priorities of the Indian Government. One of the tragedies of the Indian sub-continent is that there are countries throughout the region whose defence budgets exceed their education budgets. That is unsatisfactory in areas of such poverty. I hope that it will be possible to achieve a reduction in tension which would result in a reduction of defence spending.

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): At this very tense time, should we not give a moral lead to the rest of the world by scrapping the Trident missile system and spending the money saved on health, education and increased aid to the rest of the world?

Mr. Cook: I have already told the House that this Government were elected on their manifesto and will abide by it. Our commitment on nuclear weapons was to pursue the goal of a nuclear-free world. An appropriate time as we approach that goal will be the time to consider the future of Trident, but our manifesto committed us to retaining Trident as long as there is a an external nuclear threat to Britain.

Mr. Peter L. Pike (Burnley): The Government of India are still a relatively new Government and a fragile coalition. Does my right hon. Friend believe that they now understand that they have probably made the most appalling mistake that they could have made? Their decision does not help to solve the problems of poverty, their desire to play a greater part in world affairs or to resolve the problem of Kashmir, which has existed for 50 years. They need to talk with Pakistan to solve that problem.

[Mr. Peter L. Pike]

Is it not also crucial that Pakistan, which has a stable Government with a large majority, recognises that, however much it feels that its security may be threatened, the worst possible thing to do would be to respond with nuclear tests?

Mr. Cook: My hon. Friend finished with an important message for the Government and people of Pakistan. Its security and future relations with other countries in the sub-continent would be best served by retaining allies, partnership and respect throughout the international community. I hope that the Government of Pakistan will approach their present critical position by recognising that they have an opportunity to demonstrate to the international community their adherence to its standards and norms, rather than locking themselves into a competitive arms race.

Mr. Douglas Hogg (Sleaford and North Hykeham): May I support the right hon. Member for Manchester, Gorton (Mr. Kaufman) in saying that a resolution of the outstanding issues between India, Pakistan and China should be an urgent objective of United Kingdom, European Union and United Nations policy? Has the Foreign Secretary any proposals in that respect? Will he take every opportunity to make it plain to the Government of India that, as long as she has not signed up to the treaty, her chances of obtaining a permanent seat on the Security Council are pretty remote?

Will the Foreign Secretary also take advantage of the G8 meeting to make it plain to the French that the European Union troika representations would have been even more effective if the French Government had not conducted tests within the past three years?

Mr. Cook: I am happy to agree with the right hon. and learned Gentleman's last point, although I seem to recall that, when those tests were carried out, it was the party then in opposition which condemned them, not the party in government. On his other points, of course a solution to tensions in the region is the way forward to achieving security in the region. I fear that the recent nuclear tests will make it more difficult, rather than easier, to achieve the meaningful dialogue that is necessary to resolve the outstanding problems.

On the question of the United Nations, to which I alluded in my response to the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), India has ambitions in the international community. Those are reasonable ambitions given India's size, its role in the world and its potential significance on the world stage; but they are ambitions which will be realised only if India now recognises the depth of concern and dismay felt by friends in the international community who would otherwise wish many of those ambitions to prosper.

Ms Jenny Jones (Wolverhampton, South–West): We are all agreed that the geographical siting of the nuclear tests will not improve the relations with Pakistan on the issue of Kashmir, but will my right hon. Friend bear in mind the fact that there is a growing view that it is also likely to increase the internal tension between the Indian Government and the Punjab? That issue, which for a while looked as though it was going quiet and beginning to be resolved, is now likely to flare up. Will my right hon. Friend bear that in mind when he talks to our high commissioner, because there are many Indians of Punjabi origin in this country who are extremely concerned about the implications of these events?

Mr. Cook: I am happy to respond to my hon. Friend by saying that I fully understand the point to which she refers. Indeed, the recent visit to Amritsar brought home to me not only how large was the Sikh population in India, but the strong connections between it and our domestic population in Britain, which is funding the restoration of the golden temple.

My hon. Friend referred to the most distressing feature of the nuclear tests: there are serious problems of bilateral relations between India and some of its neighbours and serious problems of resolving ethnic tensions within India. It is impossible for even the most friendly outsider to see how the nuclear tests will assist in the resolution of either set of problems.

Mr. David Davis (Haltemprice and Howden): The Foreign Secretary will be aware that it was the policy not only of this Government, but of the previous Government, specifically to avoid what has happened in the past few days, for reasons cogently stated by the right hon. Member for Manchester, Gorton (Mr. Kaufman) and my right hon. Friend the Member for Bridgwater (Mr. King)—reasons of technological escalation in an area of hair-trigger tension. Does he accept that it is vital that Britain and Europe as a whole go to the maximum extent—including sanctions, but not including withdrawal of aid, which I accept would be an amoral approach—not only to demonstrate to India our disapproval, but to dissuade Pakistan from following suit and to deter other countries on the nuclear threshold from following the Indian example?

Mr. Cook: I fully share the right hon. Gentleman's concern and I am happy to say that we understand that my statement today contains sentiments that would also have been expressed by the previous Administration. It is important that India should recognise the unity of concern over this issue. We shall now be pursuing that unity of view throughout international forums where we can, not only at the G8, but in the ASEAN regional forum, which is to meet soon, in the European Union and, almost certainly, within the Security Council at the United Nations. I hope that those messages, which will be backed up by agreed common positions in many of these forums, will bring home to the Government of India the fact that they have much more to gain from exercising restraint than they can possibly hope to gain from demonstrating nuclear capacity.

Mr. Marsha Singh (Bradford, West): Does the Foreign Secretary agree that that fragile Government have taken this irresponsible action partly for reasons of national electoral popularity? If that is so, why should the British taxpayer subsidise that national electoral popularity? Does the Foreign Secretary agree that, unless the international community takes the firmest possible action, it will be a

green light for other countries to test nuclear weapons? If he does agree, should we not lead on sanctions rather than trail behind others?

Mr. Cook: I am not aware of any subsidy that we provide to the Government of India. I have already made clear our position on our aid programme. If that programme is a subsidy to anyone, it is a subsidy to the poorest communities in India.

My hon. Friend raises a very important point of which we should not lose sight. It may be unfortunate, but the reality is that the Indian nuclear tests have been widely and enthusiastically welcomed by large sections of the Indian population. That is why I think that it is very important that, in our conduct of this issue and in order to get the message across, we must demonstrate not just to the Government of India but to their people that the course on which the Government have embarked in this case is damaging to India's national interests and that the interests of the Government of India and their people will be far better achieved by adhering to the comprehensive test ban treaty, by reducing tension and by seeking a reduction in confrontation with neighbouring countries rather than an escalation in the arms race.

Mr. Bowen Wells (Hertford and Stortford): May I welcome the measured and responsible response of the Foreign Secretary to these deplorable nuclear tests, and particularly his reassurance to the House that we shall continue with our aid programme in order to assist the poorest people in India? Will he lose absolutely no opportunity of impressing on the Indian Government the sheer uselessness of the nuclear tests and of the arms race that they will inevitably trigger? They will set in motion a line of expenditure that the Indian population and the Indian Government can ill afford, and will thus deny many millions of Indian people the opportunity for good education, good health and inward and domestic investment in their economy.

Mr. Cook: The hon. Gentleman speaks with knowledge of, and commitment to, the development issues. He speaks eloquently about the Indian Government's mistaken priorities. He is absolutely right: it is very difficult to see what possible utility is served by these nuclear tests or any future nuclear weapon that India may acquire as a result of them. Tragically, we all understand only too well the immediate and urgent utility that would be served by improving India's education and hospital systems.

Mr. John McDonnell (Hayes and Harlington): May I take forward the point made by my hon. Friend the Member for Wolverhampton, South-West (Ms Jones) regarding constituents who originate from the Punjab and who have many relatives remaining there? They have expressed concern in recent months about the build-up in that area of not only nuclear weapons but military weapons in general. It is proposed that a sub-continental conference be established to bring together the relevant states in order to discuss non-proliferation and the demilitarisation of the Punjab so that we can secure long-term peace in that area, which has been blighted for so long.

Mr. Cook: My hon. Friend draws attention to a geographic and historic truth regarding the sub-continent: the historical area of the Punjab crosses both states and both sides have a clear interest in reducing tension between the two states. One unfortunate consequence of the recent nuclear tests and other recent events is that, in the past few years, there had been a very good and welcome development towards regional co-operation and regional forums in the sub-continent. It is very much in the interests of the sub-continent that that path is resumed. At present, India and Pakistan trade only 1 per cent. of their gross domestic products with each other. In the modern world, where prosperity is based primarily on trade, external investment and the exchange of technology, that kind of barrier to trade makes no sense for the prosperity and development of those two countries.

Mr. John Wilkinson (Ruislip-Northwood): Is there anything in the Foreign Secretary's statement that will prevent India from maintaining the regional strategic advantage that the deplorable test programme has afforded to it? Will there not be a temptation for Pakistan, which we all hope it will resist, to follow suit, unless that regional strategic advantage is redressed? Will the Government, at the very least, deny the granting of any export licences for armaments to India, and follow the American example of a selective trade embargo until the Indian Government sign the comprehensive test ban treaty and the non-proliferation treaty?

Mr. Cook: If the international community decided on any such embargoes, we would, of course, adhere to them and uphold them. We have consistently taken the view that if there is to be an effective embargo in any circumstances, it should not be unilateral—it must be international.

I strongly agree with the hon. Gentleman's earlier point that the tests will have had a destabilising effect elsewhere in the region. It is not at all clear to me that they have conferred an advantage on India. India's nuclear capacity is still clearly inferior to that of China, and, although it has demonstrated a capability, India may not necessarily be that much further ahead in technology than Pakistan. India's interests are not served by seeking an illusory advantage through the nuclear weapons programme. Its interests would be much better served by seeking a reduction in tension and economic co-operation across the sub-continent.

Mr. Dennis Skinner (Bolsover): Does my right hon. Friend agree that the revelation of India's series of tests gives the lie to those who believed that, after the end of the cold war, we could lock the nuclear weapons argument away and throw away the key? The tests are a dangerous development for India, possibly Pakistan and who knows where else.

Is it not worth noting that in a week when there have been two private notice questions from the Tory Opposition relating to a west African country and scraps of paper that never appeared in red boxes, the Opposition have shown their priorities? They did not ask for a private notice question today on this matter.

Mr. Blunt: We did.

Mr. Menzies Campbell: We did.

Mr. Skinner: I know who did. It was left to my right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman) to do that. That is where the private

[Mr. Skinner]

notice question came from. Does that not show that when the Sierra Leone tittle-tattle has ended, we will still be dealing with the problem of the nuclear tests?

Mr. Cook: My hon. Friend makes his own point in his own robust way. In my statement, I appealed for a united position on the issue, and I am pleased that the House has managed to sustain a united position. That is an important message to send to the outside world. I understand that my hon. Friend and I will have an excellent opportunity next week to make party political points.

Mr. Michael Fabricant (Lichfield): How confident is the Foreign Secretary that there has been no assistance to India for the missile programme or for its separate nuclear weapons programme from countries in the European Union or, more likely, from individuals from the former Soviet Union, in breach of the nuclear non-proliferation treaty? If the right hon. Gentleman is not entirely confident that India has operated alone, will he raise the matter at the G8 meeting over the weekend?

Mr. Cook: All members of the EU are parties to agreements that oblige us not to provide technology or equipment that could assist with nuclear proliferation. As India is not a party to the non-proliferation treaty, it has been regarded with special care by those who are parties to the those undertakings. I cannot answer for clandestine groups or illicit sales from within the former Soviet Union. That is a matter of legitimate concern and one which the international community has sought to tackle. At the G8 we sought to increase the safeguards against illicit trafficking in nuclear equipment and nuclear weapons material. We must continue to be vigilant and ensure that the international community does not assist development that it finds damaging.

Mr. Harry Barnes (North-East Derbyshire): We all understand the dangers of Pakistan retaliating and engaging in its own tests, thus creating tit-for-tat between the two nations and escalating the test problem considerably. From our contacts with Pakistan, how serious is the likelihood of its engaging in tests? Are there views and values coming from within Pakistan that show that different counsels will prevail?

Mr. Cook: I wish that I could speak with confidence about what counsels will prevail in another Government. We have urged restraint on the Pakistan Government and, so far, they have done nothing to retaliate in a way that would be regarded as escalating the tension. We should recognise that the Government of Pakistan are under some pressure from public opinion there. We hope that they will show leadership and maturity on this issue and that they will listen to the international community. If they do so, they will win for themselves great support from within the international community, which will be of much greater value to Pakistan than any nuclear tests have been.

Mr. Keith Simpson (Mid-Norfolk): Given the dangers of nuclear escalation, which other hon. Members have pointed out, can the right hon. Gentleman confirm that the Foreign Office was literally surprised by the Indian nuclear tests? If so, what will he do about it for the future?

Mr. Cook: Yes, both we and the United States were surprised at the speed with which these nuclear tests took place. We are, indeed, concerned at that degree of surprise and we are considering it. The hon. Gentleman will understand full well if I do not outline what we intend to do.

Dr. Lynne Jones (Birmingham, Selly Oak): May I add my voice to those who have already expressed the view that our influence on India and other states seeking to acquire weapons technology would be all the greater if we took more convincing steps not only to reduce but to get rid of our own nuclear weapons stockpile, which serves us no useful purpose either? Will my right hon. Friend initiate urgent talks with the Prime Minister and the Secretary of State for Defence to see how we can improve our performance in this area?

Mr. Cook: My hon. Friend makes a point which I know she holds strongly and which many people understand and support. One recognises that argument. I do not believe that if Britain did not possess a nuclear deterrent it would have had a material bearing on the decisions made in Delhi in the past few months. What is important is that we have credibility because we abide by our international commitments against nuclear tests and uphold the regime of non-proliferation. If we do so, we have every right to say to the Government of India, as a respected friend and partner, that they should do likewise.

Mr. Nigel Beard (Bexleyheath and Crayford): Does my right hon. Friend agree that, although these events are universally to be regretted, they also give urgency to the steps to strengthen international confidence in the nuclear non-proliferation treaty? Will he consider steps, therefore, to restart the stalled processes of mutual nuclear disarmament between the western powers and Russia?

Mr. Cook: I am happy to tell my hon. Friend that this was an issue on which we called for progress when the G8 Foreign Ministers met last weekend. I entirely agree with my hon. Friend that if we can get that process back on track and achieve success there, it will create a rather different climate in which non-nuclear weapon states may consider whether to proceed to proliferation. Tragically, at present they may be more immediately influenced by the nuclear tests that have just occurred. That is why we are right to convey a strong, united message of opposition, concern and dismay that a friend such as India should have taken this step.

Mr. Piara S. Khabra (Ealing, Southall): I generally support the sentiments expressed about the nuclear tests in India, but mention has been made of Punjab and of Kashmir. My hon. Friends the Members for Wolverhampton, South-West (Ms Jones), for Bradford, West (Mr. Singh) and for Hayes and Harlington (Mr. McDonnell) expressed views with which I do not agree. I was born and educated in Punjab, and I know the situation there.

The partition of India took place in 1947, and the problem in Kashmir is the legacy of British imperialism. I often go to Punjab. I accompanied my right hon. Friend the Foreign Secretary on a visit at the end of 1996; he went to Kashmir to study the problem for himself. Will my right hon. Friend say that this country has no intention of interfering in the internal affairs of another country? There has been terrorism, which is being supported across

the border. The Conservative party and the Labour party are committed to rooting out terrorism wherever it exists in the world, and we have been doing that in Northern Ireland. This country is committed to fight against terrorism.

Will my right hon. Friend say that this country will never interfere in the internal affairs of another independent, democratic, secular country?

Mr. Cook: My hon. Friend speaks with feeling and personal knowledge. I assure him that we have no intention of interfering in internal affairs. We have repeatedly stressed that issues such as Kashmir are primarily for the parties concerned to resolve among themselves. If we can in any way help them to find a solution, we are ready to do so, if called on to do so. In expressing the views that we have, we are not in any way interfering in what is solely an internal affair for India. The tragedy of the nuclear tests is that they will have profound external effects, which is why they are a legitimate matter of concern for the international community.

Mr. Gordon Prentice (Pendle): May I stay on the issue of Kashmir? My right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman) was absolutely right that Kashmir could be the flashpoint for a nuclear war in the region. Given that the issue of Kashmir has been festering unresolved for half a century and that United Nations resolutions passed in the 1940s have never been acted on, would it help if the UN were to revisit the issue and consider a new resolution with fresh legitimacy that could bring the warring parties—Pakistan and India—to the negotiating table?

Mr. Cook: My hon. Friend is right to draw attention to the tension within Kashmir and the extent to which that could provide a particularly dangerous environment for India to press ahead with a nuclear weapons programme.

I am not necessarily sure that the UN can usefully play a role at present; if we were to return to it for a fresh resolution, there would be grave difficulty in crafting a resolution that would be acceptable. I am not necessarily sure that the end product would be more acceptable to my hon. Friend than the resolutions that are on the table of the Security Council. It is inevitable that, as a result of the nuclear tests, the UN Security Council will have to address the issue of the tests and of the sub-continent and will almost certainly adopt a presidential statement on it.

I am not sure that it is necessarily in India's interest that it should involve the UN once again in the affairs of the sub-continent. India would much better serve its objectives if it were to ensure that, by adhering to international norms and to the comprehensive test ban treaty, it demonstrated that it was interested in finding a solution rather than escalating tension.

Mr. Howard: You will know, Madam Speaker, how false was the premise on which the intervention of the hon. Member for Bolsover (Mr. Skinner) was based.

On a point of substance, given that there has been a good deal of consensus in the House about the undesirability of taking action to withdraw aid from India, will the Foreign Secretary share with us the Government's view on the desirability or otherwise of imposing other sanctions? He has told us about the importance of establishing consensus in the European Union, the G8 and the United Nations. We understand that, but presumably the Government will not approach those talks with no view of their own. Will he share with the House what their view is on this vital question?

Mr. Cook: Most of the countries to which the right hon. and learned Gentleman referred have, as an economic measure, suspended their aid programmes. We do not intend to take that course. In fairness to those countries, I should point out that their aid programmes are much more modest than ours, so they are better able than we are to use that as political pressure. A suspension of our aid programme would have a substantial impact.

We hold the presidency of the G8 and are consulting at official level with the other countries of the group to find a point of consensus. I do not resile from the point made by the right hon. and learned Gentleman. When the G8 meets, we shall have to take action to back up the strong condemnation.

Business of the House

4.20 pm

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): With permission, I wish to make a statement on the business for next week.

MONDAY 18 MAY—Opposition Day (11th allotted day).

Until about 7 pm, there will be a debate on Sierra Leone, followed by a debate on the Territorial Army. Both debates will arise on Opposition motions.

TUESDAY 19 MAY—Conclusion of remaining stages of the Scotland Bill.

WEDNESDAY 20 MAY—Until 2 pm, there will be debates on the motion for the Adjournment of the House, which will include the usual three-hour pre-recess debate.

Consideration in Committee of the Human Rights Bill *[Lords]* (first day).

THURSDAY 21 MAY—Debate on the common agricultural policy on a Government motion. Details will be given in the *Official Report*.

The provisional business for the first week back after the Whitsun recess will be as follows.

MONDAY 1 JUNE—Remaining stages of the National Lottery Bill *[Lords]*.

Remaining stages of the Late Payment of Commercial Debts (Interest) Bill *[Lords]*.

TUESDAY 2 JUNE—Opposition Day (12th allotted day).

There will be a debate on an Opposition motion, subject to be announced.

WEDNESDAY 3 JUNE—Until 2 pm, there will be debates on the motion for the Adjournment of the House.

Consideration in Committee of the Human Rights Bill *[Lords]* (second day).

THURSDAY 4 JUNE—Until about 7 pm, Second Reading of the Registration of Political Parties Bill.

Debate and motions on modernisation of the House of Commons.

FRIDAY 5 JUNE—Debate on a motion for the Adjournment of the House on a subject to be announced.

The House will also wish to know that on Wednesday 20 May, there will be a debate on fisheries monitoring under the common fisheries policy in European Standing Committee A.

Details of the relevant documents will be given in the *Official Report*.

[*Wednesday 20 May:*

European Standing Committee A—Relevant European Community document: 6123/98, Fisheries Monitoring under the Common Fisheries Policy. Relevant European Legislation Committee report: HC 155-xxii (1997–98).

Thursday 21 May:

Floor of the House—Relevant European Community document: 7073/98, Agenda 2000: Reform of the Common Agricultural Policy. Relevant European Legislation Committee report: HC 155-xxvi (1997–98). The Second Report from the Agriculture Committee, Session 1997/98, "CAP Reform: Agenda 2000" (House of Commons Paper No. 311) and the Government response thereto (House of Commons Paper No. 719).]

Sir Patrick Cormack (South Staffordshire): I thank the right hon. Lady for giving us the business for next week and the provisional business for the week after. May I thank her on behalf of my right hon. Friend the Member for South-West Norfolk (Mrs. Shephard) and of the Opposition as a whole for her efforts to accommodate us on the timing of the Modernisation Committee debate? She will appreciate that we shall want to study the long-promised and long-delayed Registration of Political Parties Bill.

May I revert to a subject that has often been raised in recent weeks? With the Foreign Secretary sitting by her side, will the right hon. Lady ensure that we have a full debate on foreign affairs before the end of our presidency of the European Union? She referred to that matter last week, and we have pressed for such a debate over many weeks. It is crucial that it is held before our presidency comes to an end.

We have chosen Sierra Leone as the subject for the first of the debates on Monday. In the light of Sir John Kerr's evidence to the Select Committee on Foreign Affairs this morning, which made it plain that the Minister of State, Foreign and Commonwealth Office, the hon. Member for Manchester, Central (Mr. Lloyd), was fully briefed before the famous Adjournment debate on 12 March, may we hope that the Foreign Secretary—who will no doubt hear what she says—will apologise for the confusion that his statements have caused? When the Foreign Secretary speaks in the debate on Monday, will he give a detailed and precise answer to all the questions that have recently been put to him by my right hon. and learned Friend the shadow Foreign Secretary?

We all hope that the referendum a week today in Northern Ireland will produce an affirmative result. The right hon. Lady knows that the Government have the official Opposition's complete support in that regard. On the assumption that the referendum goes the right way, will she give us some idea when the legislation consequent on that referendum will be presented?

Will the right hon. Lady also arrange for two statements of clarification to be made in the week after the Whitsun recess? May we have a statement on the Government's accommodation or agreement—call it what you will—with the trade unions on recognition? May we also know when we will be told precisely the level of the minimum wage? After yet another Question Time with the President of the Board of Trade this afternoon, we are none the wiser. When will we be informed?

Mr. Dennis Skinner (Bolsover): It is £5.

Sir Patrick Cormack: The hon. Gentleman suggests that it is £5. Perhaps the right hon. Lady will confirm that, as the hon. Gentleman seems to know, and obviously has a hotline to all sorts of people.

Will the Leader of the House confirm that the state of the legislative timetable is such that the Government are likely to keep the House sitting into August?

Mrs. Taylor: I am glad that we have been able to accommodate the request to change the day of the debate on modernisation. It will be convenient if the shadow

Leader of the House can be present, not only because of her position, but because she is a member of the Select Committee on the Modernisation of the House of Commons.

I made it clear last week that we intend to have a debate on European matters before the end of our presidency, and before the summit. I echo that commitment today.

As far as Monday's debate is concerned, I hope that the hon. Member for South Staffordshire (Sir P. Cormack) is fully up to date with what has been said following the hearing held this morning by the Select Committee on Foreign Affairs. I hope that he has seen the letter from Sir John Kerr to the Chairman of the Committee, which clarifies further Sir John's statements to the Committee today. When hon. Members have had time to study that letter, they may feel that the situation is clearer. The letter confirms that the briefing prepared for my hon. Friend the Minister of State for use in the debate on 12 March did not mention arms shipments, and did not say that one such report had already been passed to Customs and Excise. I think that Opposition Members should study that clarification with care before they take part in Monday's debate.

The hon. Gentleman asked whether the Foreign Secretary will answer all the questions that have been asked of him: of course he will. I hope that, during the debate, Opposition Members will acknowledge the difference between allegations and facts; otherwise, I am not sure how useful the debate will be.

On Northern Ireland, we welcome the complete support that the hon. Gentleman offered on behalf of the Opposition. He asked me to be specific about the time scale for consequential legislation, but I do not think that I can be. This side of the referendum, it would not be helpful to make immediate judgments about what should happen on the other side.

The hon. Gentleman requested statements on trade union recognition and the minimum wage. We shall decide about statements in the normal way, and no date has yet been established for publication of the White Paper to which he referred. Any statements will be announced to Conservative Members in the usual way. We look forward to further confirmation that the Opposition have changed their views on the minimum wage and are coming round to accepting it.

On the legislative programme, recesses always depend on the progress of business.

Ms Margaret Moran (Luton, South): At 6 o'clock on Friday morning, I took part in a drugs bust with Luton police as part of Operation Eagle, the national endeavour to tackle drug peddling and drug-related crime. Is my right hon. Friend aware that, in parts of Luton and, I am sure, throughout the country, drug peddling and packaging has become a cottage industry involving women and children? Will she join me in commending Luton police for their activities as part of Operation Eagle and allow time in the House for a full debate on the implications of the drug problem in Luton and throughout the country?

Mrs. Taylor: My hon. Friend speaks from personal experience, having seen the drug problem in her constituency. Many hon. Members share her concern about the impact of drug taking on local communities—on the individuals who take drugs and on victims of crime, which is often a consequence of people needing money to fund drug habits. We had a brief debate on drugs on Wednesday morning and we recently published the Government's strategy and made a statement in the House. I said at the time that it might be possible to have a more general debate on drugs once the strategy was under way and I still bear that possibility in mind.

Mr. Paul Tyler (North Cornwall): May I congratulate the Leader of the House on keeping a straight face in responding to the request from the Conservative Front-Bench spokesman for debates on an ethical foreign policy? I look forward to Monday, and pigs might fly.

On Sierra Leone, will the right hon. Lady address two particular points and pass them on—I see that the Minister of State, Foreign and Commonwealth Office, the hon. Member for Manchester, Central (Mr. Lloyd) is beside her—so that they can be addressed on Monday? First, is there not an urgent need to clarify the present procedures on arms sales? She may be aware that, in addition to the evidence to which she has referred, during this morning's Select Committee the Permanent Under-Secretary at the Foreign and Commonwealth Office betrayed complete ignorance of the very existence of the interdepartmental restricted enforcement unit, which was responsible for initiating the Customs and Excise investigation in this case. If the Permanent Under-Secretary was not aware even that it existed, that suggests that there is a need for some clarification of the roles in the Foreign Office, quite apart from the other issues that have already been referred to.

Secondly, please may we have a statement on Monday on the Government's intentions in relation to improving the procedures? The Minister of State will recall that, in the debate on 2 April, my hon. and learned Friend the Member for North-East Fife (Mr. Campbell) made some specific requests for information on improvements, but we have yet to receive an answer from the Minister of State, despite, the Leader of the House will recall, my reminding her of it last week. I hope that the Government will recognise that, to avoid a repetition of these events, we must have effective parliamentary scrutiny that operates on the same basis as the Intelligence and Security Committee and a register of arms sales.

In considering those issues, will the Leader of the House and, indeed, the Minister of State, Foreign and Commonwealth Office look at the answers that have been given today to my hon. Friend the Member for Somerton and Frome (Mr. Heath) about arms sales to Indonesia? It is extraordinary that, this morning, the Foreign Secretary saw fit to make a statement—apparently without being asked—on the "Today" programme, yet has not come to the House to give an explanation. Is it not true that the Government still follow too slavishly the procedures of their predecessors in these matters?

Mrs. Taylor: On the last point, we are certainly not following slavishly the procedures of our predecessors. In fact, new guidelines were established last July and are being followed.

On the issues that the hon. Gentleman raises on Sierra Leone, he is anticipating the debate next Monday, perhaps in case he is not called. I am sure that all the issues that are particularly relevant to Sierra Leone will be answered during that debate.

Mr. Andrew Mackinlay (Thurrock): Will the Leader of the House consider the fact that on the streets it is being

[Mr. Andrew Mackinlay]

said that the proposed White Paper on industrial relations and trade union reform will be published next Friday, when the House will not be sitting? I urge my right hon. Friend to tell the appropriate Minister that that would be bad form because not only should such a major White Paper be published while the House is sitting, but there is the prospect, with Madam Speaker's permission, of having a statement, which is important for such major legislation. Indeed, that would give us the opportunity to proclaim the merits and virtues of trade unionism, as well as to probe in detail whether the threshold will be set by the Bill or by statutory instrument, which would cause concern among some of my hon. Friends.

Mrs. Taylor: I caution my hon. Friend against believing everything that is said on the street. As I said a few minutes ago, statements will be made in the usual way when it is convenient for the House and right in the Government's view. We will not give further notice of when statements will be made, and my hon. Friend will have to wait patiently for a little longer.

Mr. Eric Forth (Bromley and Chislehurst): May we have a debate in the near future about communication techniques in the Foreign and Commonwealth Office, strictly on the basis of open government? The Leader of the House surely agrees that the country as a whole, not least Members of the House, must now be told who is told what, when and on what basis in the Foreign and Commonwealth Office, simply so that we have a template against which to judge the twists, turns, changes of story and different versions that have emanated from the Foreign and Commonwealth Office recently, and so that they will not be repeated.

Mrs. Taylor: There is not even a template of the allegations—they seem to change every other minute.

Mr. Jim Cousins (Newcastle upon Tyne, Central): May I remind my right hon. Friend that I had cause a few weeks ago to ask her whether she proposed to call a Standing Committee of the English regions, which has not met for 20 years? She told me that there was no demand for such a Committee, and I believe that some of my hon. Friends from the north and north-east have subsequently spoken to her about it. Has she had the opportunity to reconsider the matter? Does she propose to call the Committee, in the light of my hon. Friends' concern about resources and representation? May I assure her that we shall continue to press this matter, whatever the outcome on Saturday?

Mrs. Taylor: I enjoyed the reference to Saturday, when I shall watch developments with great interest. I have not been inundated with requests to re-establish a Standing Committee of the English regions. It is true that one of my hon. Friends has mentioned that issue. I am not inviting lobbying, but although I do not sense a great desire for such a Committee, I have not closed my mind to the suggestion.

Mr. Edward Garnier (Harborough): On the basis of progress being made in Committee, when does the Leader of the House expect the Report stage of the Data Protection Bill to take place? Secondly, how many more days will she allow for the Committee stage on the Floor of the House of the Human Rights Bill? She has kindly announced so far that there will be two days. I remind her that, some weeks ago, she promised to write to me about the commencement date of the Human Rights Bill—will she please do so?

Mrs. Taylor: I shall certainly follow up the hon. and learned Gentleman's last point. On the Data Protection Bill, I find it difficult to give two weeks' advance warning of business, so I am afraid that I cannot anticipate when we might have the remaining stages of that Bill. The hon. and learned Gentleman will be aware that there is a great deal of legislation to be slotted in and sometimes changes are made late in the day. Discussions are continuing through the usual channels about how we should deal with the Human Rights Bill and how much time it will require.

Mr. Barry Gardiner (Brent, North): My right hon. Friend will recall that, at the end of last year, the Government undertook to introduce this spring a consultation document on leasehold reform. In the light of a letter that I recently received from our hon. Friend the Minister for Local Government and Housing, which suggested that the consultation document may not be with us until after 25 June, and although we all appreciate that global warming has played havoc with the seasons, when does my right hon. Friend expect spring to finish this year?

Mrs. Taylor: My hon. Friend asks his question in a novel way, but I am afraid that I can give him only a straightforward answer. The Department has recently produced a series of consultative documents, and of necessity some have had to take priority. I cannot give him a specific date. If he applied for an Adjournment debate to air his views on what should be in the consultation document and what the outcome should be, he could take his chance with other hon. Members.

Dr. Liam Fox (Woodspring): May I, first, hope that the Leader of the House ensures that several copies of Sir John Kerr's letter are made, as letters have a habit of getting lost in the Foreign Office these days?

May we have a debate on the structure and function of government? Yesterday, during Prime Minister's Question Time, the Prime Minister said:

"the priority for the Government is my priority and my prerogative."—[*Official Report*, 13 May 1998; Vol. 312, c. 368.]

Such a debate might give us an idea of the residual role of the Cabinet.

Mrs. Taylor: I do not see any problem with that definition. The Prime Minister has always been first among equals.

Mr. Graham Brady (Altrincham and Sale, West): Is the Leader of the House aware of the unfortunate practice among some hon. Members of advertising their party affiliation on House of Commons headed notepaper alongside their name and, sometimes, their constituency? Does she agree that that is contrary to the spirit of the representative nature of our democracy, in which we all represent all our constituents regardless of party? Will she

reflect on whether the Modernisation Committee should guide Members that such a practice is not welcome and might be discouraged in future?

Mrs. Taylor: That is not exactly a matter for me. The misuse of headed notepaper is a matter for the House authorities. I have seen the notepaper of hon. Members of all political parties headed in such a way. Perhaps the hon. Gentleman is afraid of putting the word "Conservative" on his notepaper.

Mr. John Bercow (Buckingham): Further to the request of my hon. Friend the shadow deputy Leader of the House, will the right hon. Lady reconsider and find time as a matter of urgency for a statement on the Government's position on trade union recognition? That position is of very wide interest—even if not to the solitary representative of the Liberal Democrats in the House this afternoon, the hon. Member for North Cornwall (Mr. Tyler). Is the right hon. Lady aware that the Secretary of State for Education and Employment told reporters last June that the Government's proposals would be announced by the President of the Board of Trade in autumn 1997? Seven months later, we have not had that statement. Is that not because there is a war in the Government between the advocates of modernisation and the trade union lackeys and recipients of trade union sponsorship?

Mrs. Taylor: I should expect nothing less from the hon. Gentleman. I made the position clear earlier. There will be a White Paper, and I am not going to say anything about timing.

Mr. David Prior (North Norfolk): On 6 and 12 May, the Foreign Secretary said in the House that, when the Minister of State, Foreign and Commonwealth Office, the hon. Member for Manchester, Central (Mr. Lloyd), made his statement in the House on 12 March, he was unaware of any Customs and Excise investigation into arms sales to Sierra Leone. In view of Sir John Kerr's comments in the Select Committee today and the further confusion caused by the subsequent letter, which none of us has yet seen, is not it important that the House has the chance to hear a clear statement from the Foreign Secretary as soon as possible?

Mrs. Taylor: There is no conflict at all. The letter to which I referred from Sir John Kerr, the Permanent Under-Secretary of State at the Foreign and Commonwealth Office, says very clearly that my hon. Friend the Minister of State was not told about the Customs and Excise inquiry. I do not think that we can be clearer than that.

Mr. Dennis Skinner (Bolsover): Is the White Paper being held up because the Government have been waiting for the result of the referendum on the mayor of London? If that is correct, and since only 34 per cent. of people turned out in that poll and probably only about 24 per cent. voted yes, does that mean that the figure of 24 per cent. will be inserted in that new document?

Mrs. Taylor: My hon. Friend should know better than to tempt me to say anything about the contents of any White Paper. All I can say is that it will be a very positive document that I think will be very widely welcomed.

Points of Order

4.44 pm

Mr. Graham Brady (Altrincham and Sale, West): On a point of order, Madam Speaker. During business questions, I raised what I regard a serious point, which hon. Members should take seriously. In the light of the Leader of the House's unhelpful response—which was flippant and party political, unlike the nature of my question—and her suggestion that the matter was for the House authorities, I would welcome any guidance from you on how it might be taken forward. It is important that all constituents receiving communications from Members of Parliament know that their Member represents their views and not merely party views.

Madam Speaker: I see very little notepaper from Members of Parliament; they usually telephone my office and ask to see me immediately, if not sooner. I have not had the privilege of seeing what is on their notepaper, but I shall make a point of looking. If anything, this is a matter for the Administration Committee, and I shall ask it to consider the point.

Mr. Alan Clark (Kensington and Chelsea): On a point of order, Madam Speaker. Is it not a convention in this place that when a Minister has misled the House—accidentally or deliberately—he is obliged at the very earliest opportunity to make a personal statement? It would be perfectly proper and natural for the House to draw the inference from the evidence given by the Permanent Under-Secretary in the Select Committee this morning that, in fact, either the Secretary of State for Foreign Affairs or his Minister of State has misled the House—inadvertently or deliberately. The only thing that appears to have been offered—it is most unsatisfactory—is the text of an alleged letter, which has been read out to the House but is not available for us to look at. Surely you, Madam Speaker, would think it preferable that one or other of those Ministers should, if he is to rely on that letter, make a personal statement to clear up the position.

Madam Speaker: The right hon. Gentleman perhaps was not in the House a few days ago when a point of order was put to me along those lines and when I made it quite clear that, if a Minister, however inadvertently, has misled a Committee, it is a matter for that Committee and that Minister. If any corrections were to be made, they would have to be made in that Committee.

Mr. Clark: Further to that point of order, Madam Speaker.

Madam Speaker: I can take it no further. This is the second time that I have dealt with a point of order on the matter. The ruling is very clear: it is a matter between the Minister and the Committee.

Mr. Eric Forth (Bromley and Chislehurst): On a point of order, Madam Speaker. Will you clarify the status of a document—in this case a letter—from which the Leader of the House has freely quoted but none of the rest of the House has seen? This is a matter of some contention, as you have just indicated. Will you clarify such a

[Mr. Eric Forth]

document's status—should it exist—and say when the House can expect to have sight of it and therefore be able to deal further with the matter?

Madam Speaker: The Committee can, and I hope will, put the letter in the Library as soon as possible so that it is in the public domain. I have not seen it, but I think that that is the best procedure at this time.

Mr. Clark: Further to that point of order, Madam Speaker.

Madam Speaker: No.

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): Further to that point of order, Madam Speaker. I confirm what I said before on the record: my statement in the House on 12 March was an exact statement of my knowledge at the time. If, given the events of time, I need to correct that, I shall of course seek to do so before the House. At that time, I was not briefed, told, advised or in any way informed either orally or in writing of alleged arms shipments or of the Customs and Excise inquiry. I would add for the sake of completeness, and in accordance with your advice to the House, Madam Speaker, that I wrote, as I undertook to do, to the Chairman of the Select Committee correcting the record of my appearance before the Committee. I think that in so doing I discharged my obligations not only to you, Madam Speaker, and to the House but to the people of this country.

Mr. Michael Howard (Folkestone and Hythe): On a point of order, Madam Speaker—it arises directly out of the point of order raised by the Minister. Two points arise. First, the confusion that exists about the briefing that the Minister had available to him before his appearance in the House on 12 March can easily be resolved; that briefing can be made available without delay and in full to the House, and I ask for that to be done.

Secondly, the Minister of State has just said that what he told the House on 12 March was—I think I quote his words precisely—"an exact" description of his state of "knowledge at the time". The report that I have seen of Sir John Kerr's letter—I have not seen the letter itself—records that the briefing contained a reference to a possible deal between Sandline and President Kabbah.

The *Hansard* report of the Minister's speech to the House on that occasion does not, so far as I have been able to check, contain any reference to such a possible deal. It would therefore appear that what the Minister has just told the House on a point of order is itself inaccurate. May we therefore please have a full statement that will put those confusions and contradictory statements to rest without further delay?

Madam Speaker: As the right hon. and learned Gentleman is aware, those are, quite rightly, matters for argument and debate between the Government and the Opposition. They are matters of policy; they are not at this stage matters for the Chair. I hope that perhaps on Monday many of the matters that the right hon. and learned Gentleman finds outstanding will be cleared up. I am sure that at that stage questions will be put by the Opposition in the hope that things may be clarified better than, in the mind of the right hon. and learned Gentleman, they have been at this stage.

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): Further to that point of order, Madam Speaker. As some Members are now in the Chamber who were not here a few moments ago, I remind the House that the letter that we were talking about earlier was from the Permanent Under-Secretary of State, Sir John Kerr, to the Chairman of the Foreign Affairs Select Committee. That letter said clearly that my hon. Friend the Minister of State had not been told about the Customs and Excise investigation. May I suggest that although the letter is probably technically in the ownership of the Select Committee, it may assist the House if, with the permission of the Chairman of that Committee, a copy were placed in the Library?

Madam Speaker: That is the way to proceed. Perhaps the right hon. Lady would follow that through and see that a copy is available there.

Orders of the Day

Tax Credits (Initial Expenditure) Bill

Considered in Committee.

[MR. MICHAEL J. MARTIN *in the Chair*]

Clause 1

AUTHORISATION OF EXPENDITURE

4.52 pm

Mr. Michael Fallon (Sevenoaks): I beg to move amendment No. 4, in page 1, line 6, after 'expenditure', insert

'up to a limit of £20 million'.

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): With this, it will be convenient to discuss amendment No. 8, in page 2, line 3, at end insert—

'(5) Any expenditure incurred under this section shall be separately accounted in the Commissioners' Annual Report to Parliament.'.

Mr. Fallon: Last Thursday, the House gave the Bill a Second Reading, but not without serious reservations. Those reservations were expressed from the Opposition Front Bench, from the Opposition Back Benches and from the Liberal Democrat Benches. Essentially, they concerned the lack of any connection between the Bill and the subsequent major legislation that it purports to introduce, the lack of accountability, the Bill's failure to specify expenditure, and the broad nature of the power being given to the Secretary of State for Social Security and the commissioners of the Inland Revenue.

The amendments are the first in a series that attempts to tidy up the Bill. Amendment No. 4 would introduce into the legislation a limit on the expenditure sought. The explanatory and financial memorandum makes it clear that the expenditure for which the Government seek authority should amount to about £15 million to £20 million. The Government are introducing the legislation because they have no authority to spend money for those purposes under existing votes.

However, we find no reference to the money itself, or to any limit, in the Bill. We think it right that there should be a limit. Indeed, the amendment was inspired by the Financial Secretary to the Treasury herself when she challenged us about whether we thought more or less money would be needed—on Second Reading there was much talk about fancy computers and the like. She said:

"We are confident that we have asked the House for the money that we need to develop this proposal".—[*Official Report*, 7 May 1998; Vol. 311, c. 889.]

However, the Bill asks for unlimited expenditure, so it is important to put an upper limit into it. I am prepared for the Financial Secretary to say that £20 million is a bit tight, that she ought to have some leeway and that she ought to be able to come back to the House in future—that she should be allowed initial expenditure up to one level, but with the ability to come back and change it. However, I hope that the hon. Lady will accept that there should at least be some limit. The limit that we propose is that specified in the explanatory and financial memorandum—£20 million.

Amendment No. 8 insists that the money spent under the Bill should be separately and properly accounted for. Essentially, the Bill asks for a new vote and a new line of public expenditure, and we would like to see that expenditure separately accounted for in the normal accounts presented to Parliament by the commissioners. Perhaps the Financial Secretary will say straight away that that is what will happen, and that the money will be so accounted for. However, given the unlimited nature both of the discretion sought under the Bill and of the expenditure possible under that heading, it would be preferable to have that fact written into the statute.

Mr. Eric Forth (Bromley and Chislehurst): I echo and strongly support what my hon. Friend the Member for Sevenoaks (Mr. Fallon) has said. To my regret, I come to the debate without having been able to participate in the earlier stages of proceedings on the Bill, and I am truly staggered by its nature—by its lack of any sort of framework or limitation. Surely what my hon. Friend suggests is not only reasonable, but would be expected by any taxpayer who was considering what Parliament is doing today.

One has only to look at the original text of the Bill to see that it represents a blank cheque. It contains not one but several phrases along the lines of

"the Secretary of State and the Commissioners"

may

"incur such expenditure as they think appropriate",

and so on. The phraseology makes no attempt to circumscribe the areas of responsibility or to limit the expenditure.

One would have thought that, whether this is a preparatory, a speculative or a paving measure, or whatever one might call it, as a matter of responsibility and accountability to the taxpayer, there would be indications at this stage of the kind of limit that we could expect. The Bill does the exact opposite, and goes to extraordinary lengths to allow unlimited expenditure on unspecified activities that, in the opinion of certain people—albeit important and responsible people—should be undertaken. In coming to Parliament and asking for such an approach, the Government are chancing their arm to an unacceptable extent.

We are the custodians of the tax revenues of the people of this country. The Government come to the House of Commons from time to time to ask for moneys—sometimes very large sums—for specified purposes. However, this is a different matter altogether; we are in new territory. The Government are saying, "Trust us. We are not going to tell you what is going on here, but we would like the House of Commons to authorise us to spend any amount of money to pursue unspecified objectives." That strikes me as unacceptable. The amendments provide terms of reference against which the Government can be judged.

My hon. Friend the Member for Sevenoaks said that if the amount that he was suggesting in the amendment was unreasonable, he would consider a different amount—even a higher amount—providing the Minister was able to give an explanation of what the money would be used

[Mr. Eric Forth]

for. We have nothing to go on; the Bill does not tell us. Surely the Minister must have some idea in her head as to what is intended. There must be a plan or specification within each of the Departments involved. Surely the Government cannot be coming here and asking for an unlimited amount of money to do something that they would like to do.

5 pm

The Financial Secretary to the Treasury (Dawn Primarolo): Did the right hon. Gentleman ask these questions when the Government of which he was a member put through paving legislation during their period in office?

Mr. Forth: Regrettably, I was not in a position to do so because I was incarcerated in the Government. I would have found it difficult, within the terms of collective responsibility, to have queried—especially on the Floor of the House—what the Government were doing. I may have harboured my inner thoughts on the matter; that is different. From my lowly position in the foothills of the Government, I may from time to time have thought that my colleagues were chancing their arm. But our roles are now reversed; no wonder the Financial Secretary looks so happy and I look so downright miserable.

We are dealing now with the Tax Credits (Initial Expenditure) Bill which the Government have proposed with completely unspecified demands contained within it. My hon. Friend the Member for Sevenoaks made a reasonable offer. If the Financial Secretary could demonstrate that the £20 million limitation that my hon. Friend was suggesting was not appropriate, he would be prepared to look at it again. That is a generous offer, but I hope that my hon. Friend has made it on the condition that the Financial Secretary is prepared to give a more detailed account of the activities she has in mind which involve the expenditure proposed by the Bill.

Amendment No. 8 seeks a reasonable and responsible requirement—separate accounting in the commissioners' annual report to Parliament. Two separate Government Departments are involved, and surely we should be told after the event—if we are not to be told before—what has happened in detail. This is a point of accountability. This is the classic role of the House of Commons—to undertake to look in detail at the Government's request to the taxpayer, and to express its view.

I am grateful to my hon. Friend the Member for Sevenoaks for giving the lead in the scrutiny process so that we may hear much more detail from the Financial Secretary. I look forward to her explanation, and we will judge on that basis whether we should press this and other amendments as we seek accountability.

Mr. Damian Green (Ashford): It is important to set the amendments in context; they do not seek to stop the Government doing anything they wish to do. These are in no way wrecking amendments. My hon. Friend the Member for Sevenoaks (Mr. Fallon) has made it clear that we accept the principle of using tax credits rather than benefits if that is seen to be a better way in which to achieve the policy aim. However, there are important principles at stake, and the amendments would improve the Bill and the process of moving towards the working families tax credit. We welcome the principle, but it is important for the Committee to address the question why the Bill would be improved if a specific limit were imposed on the amount of money that can be spent.

Clearly, the amendments would be good for this House. I am a new Member of Parliament, still adjusting to life in this place. I may be forgiven for returning to first principles, and for asking why I am here, why all of us are here and what is the purpose of the House. As my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) made clear, one of the basic purposes of the House is to ensure that the taxpayers' money which the Government extract from all of us is not only spent well and responsibly, but is spent transparently. Ministers must not give themselves powers to spend indefinite amounts on purposes that may or may not be clear. The route to imposing the will of the Commons and to fulfilling that basic function of the House is surely to have as much detail as possible on new areas of expenditure that the Government may be planning.

The amendments would also be good for the Treasury. The Financial Secretary knows better than most that if any spending Department came along with proposals for paving Bills that allowed Ministers to do more or less what they liked without any attempt to control public expenditure, the first people to jump down their throats—before the Opposition parties in Parliament—would be her officials and, one assumes, Treasury Ministers.

It is in the interests of the Treasury that it can demonstrate to the rest of Whitehall that it is not saying, "Do as we say, not as we do." The Treasury should set an example to the rest of Whitehall, and should legislate responsibly to ensure that it allows for as much control and scrutiny of public expenditure as possible. That applies particularly to amendment No. 8, which would make the amount of public expenditure devoted to the matter transparent. The amendment is in the interests of the Treasury and is in line with the Government's alleged policy of increasingly open government. I hope that the Financial Secretary welcomes it.

I hope that no Treasury Minister would ever even think—let alone say at the Dispatch Box—that we are dealing with only £20 million, and that that sum is not particularly serious. One is reminded of a former distinguished Chancellor, Lord Howe, who said that, when talking about public expenditure, people tended to say that there was a billion here and a billion there, but that when the figures were added up, one was soon talking about real money. I would hope that Treasury Ministers would be even more fine-grained than that, and would think that even £20 million—although it is only a drop in the ocean of public expenditure—was a serious amount of money. Therefore, not to have control over it would be a bad thing.

The Bill is like the famous prospectus for the south sea bubble—a proposal was on offer to do things later about which no details could be given at the time. The Bill allows Revenue commissioners to spend sums of money that are not defined on projects that are ill defined. It is not good legislation, so I urge the Financial Secretary to accept the amendments.

Dawn Primarolo: The comments of Conservative Members revolved round misunderstandings of parliamentary procedure—they showed what short

memories some hon. Members have. The right hon. Gentleman with the flashy tie—I cannot remember his constituency—

Mr. Forth: Bromley and Chislehurst.

Dawn Primarolo: The right hon. Member for Bromley and Chislehurst (Mr. Forth) at least had the good grace to acknowledge that he did not pay sufficient attention to paving Bills introduced by the Conservative Government—he does not understand what such Bills are supposed to achieve. Another misunderstanding concerned whether there was control over expenditure.

I cannot accept amendments Nos. 4 and 8. Amendment No. 4 would cap the preparatory expenditure that can be incurred, and amendment No. 8 would require the Inland Revenue alone to report the money that it expends under the Bill. I say, with respect, that the amendments are misguided; they add nothing to the Bill.

I remind the Committee that a paving Bill is needed to enable the Inland Revenue and the Department of Social Security to begin to spend money on preparations for the introduction of the tax credits that were announced in the Budget. On Second Reading, I detected considerable agreement on the importance of those preparations, which would enable proper consultation on the Government's policy so that the substantive Bill covered the areas that hon. Members would expect it to.

The Inland Revenue is not authorised to spend money on preparations because the tax credits represent a completely new area for it. The Department of Social Security is not authorised to spend money because the tax credit will eventually be administered by the Inland Revenue—the tax credit does not belong to it, so to speak.

We need a paving Bill because there is a gap in the two Departments' authority to do the work on the substantive legislation—we need to close that gap. As I explained on Second Reading last week, we cannot afford to wait to begin that work. It is important that tax credits are introduced according to the timetable that we announced, so that people can benefit from them as soon as possible. The paving Bill fills the gap and—Conservative Members mentioned accountability—properly brings the matter before Parliament for its approval.

The introduction of such a paving Bill is the right way in which to deal with the unusual situation that we face. The Bill follows the usual procedures, as can be demonstrated by reference to paving Bills introduced by the previous Conservative Government, which related to privatisations—the broad principle was brought before Parliament for endorsement, and the details were brought forward subsequently. Then as now, the paving Bill enabled work to begin on the broad concept because, then as now, there would otherwise be no authority to begin the work.

Conservative Members seem to suggest that the Government are trying to pull a fast one on Parliament. That is absolutely not the case, as past practice, the debate on Second Reading and the information that the Government have made available show. What Conservative Members have said speaks volumes about the previous Government's attitude to Parliament. The Labour Government's attitude is different, and I have fully explained why the Bill is necessary.

Mr. Forth: I hope that the Financial Secretary does not think that we are objecting to the principle of paving measures. Our objection is that there is no limit on the expenditure—we believe that it would not be unreasonable to impose such a limit—and that the Bill contains scant information on the way in which the moneys may be spent. Those are the two lacunae—we are not challenging the principle of paving legislation.

5.15 pm

The First Deputy Chairman : This is an appropriate moment for me to remind the Committee that we should not have Second Reading debates. We are talking about amendments Nos. 4 and 8, which deal with a limit—hon. Members must address their comments to the amendments and to nothing else.

Dawn Primarolo: Thank you, Mr. Martin. The right hon. Gentleman fails to understand that the Bill will not relinquish the proper financial controls on expenditure that apply to all Departments. Departments look for best value for money in all their spending. There is no question of incurring expenditure earlier than necessary.

The purpose of the Bill is to enable the most cost-effective preparations to be made; the Bill is not a licence to spend money. The estimates of costs in the explanatory and financial memorandum are, by necessity, tentative. They give Parliament an idea of the money that the two Departments may need to spend on the preparatory work between Royal Assent to this Bill and enactment of the substantive Bill, which we intend to introduce as soon in the next Session as the legislative timetable permits.

I tell the Committee in all honesty that we cannot say with certainty how soon we shall be able to introduce the substantive Bill, nor can we predict how long it will take before the measures of that Bill become law. The financial estimates are designed to take account of that uncertainty, but—I have never tried to conceal this from hon. Members—they are, finally, only estimates.

A cap on the total allowance is not the way in which to reduce the risk of money being wasted, if that is, indeed, the intention of the amendment. Perhaps Conservative Members' concern is to improve the control of spending by ensuring that no more than £20 million can be spent on the preparatory work, but the amendment would not do that either. There is nothing to be gained from Departments squandering money on matters that will not receive parliamentary approval, but everything to be gained from beginning the preparatory work that will enable the scheme not only to be implemented as early as possible, but to operate effectively.

On amendment No. 8, I ask why the Opposition want only one of the Departments to account specifically for expenditure. If they are concerned that there should be tighter financial controls on the expenditure, I must point out that all the expenditure of both Departments is tightly controlled—the Departments are scrutinised by the National Audit Office and, ultimately, by Parliament through the Public Accounts Committee, as hon. Members are well aware. It is not the case that there will be no accountability for the expenditure unless such accountability is specifically required in the Bill.

If Conservative Members are concerned about the potential waste should the detail of the scheme finally approved by Parliament differ from the assumptions made in the preparatory work, the amendments will not help.

[Dawn Primarolo]

I ask the Committee to reject them on the basis that accountability is in place through the normal parliamentary processes. All public money is accountable, and the National Audit Office and the Public Accounts Committee are the watchdogs to ensure that it is.

Estimates provided in the Bill were intended to be helpful and not to be a cap. If Conservative Members want progress on the matter, given the safeguards that they know are in place, they will allow this paving Bill to go through, in the same way as they facilitated their own paving Bills when their party was in office.

Mr. Quentin Davies (Grantham and Stamford): That explanation is far from satisfactory. The Financial Secretary does not need to explain to us what a paving Bill is; we all know that, and we have said that, in principle, we are not against such Bills. I am not sure that the hon. Lady has recognised that a paving Bill represents a considerable risk to the taxpayer because, should Parliament decide not to proceed with the substantive reform of working families tax credit—we shall have other opportunities to debate the merits of that—the £15 million to £20 million spent on setting up the systems will be lost and will not be recoverable by the taxpayer. That is an extremely good reason for having a limit, which is exactly why my right hon. and hon. Friends tabled the amendment.

The Treasury continues to be committed to cash limits, which the Conservative party introduced in government. If it is possible for the Treasury to have a cash limit on the entire expenditure of the Department for Education and Employment, the national health service or the Ministry of Defence, how come it is not possible to have a cash limit on one particular project that involves setting up systems and hiring and firing people to operate a potential working families tax credit?

The Financial Secretary avoided that issue altogether, and as a result, there is no way that we can withdraw the amendment. We will not press it to a vote, but we will not withdraw it: we will leave it to her either to accept it or to reject it, and to stand the consequences of so doing.

Amendment negatived.

Mr. Fallon: I beg to move amendment No. 1, in page 1, line 6, leave out

'in doing anything which in his or their opinion is appropriate.'.

The Bill gives the Secretary of State and the commissioners the most extraordinarily wide discretion. We have already established that the Bill is extremely widely drafted. There is no limit on the expenditure that can be undertaken under it, now that amendment No. 4 has been negatived. There is no restriction on the changes to the two benefits that we were initially told the Bill concerned; in fact, the Bill is not confined to those: as Liberal Democrat Members pointed out last week, it could be used for the transfer of any benefit into an income tax credit.

Above all, as we shall see when we get to amendments Nos. 2 and 10, there is no link between the paving Bill and subsequent legislation, so we must ensure that expenditure authorised under this Bill is properly based on its aims, which should be properly and objectively defined within it.

According to subsection (1),

"The Secretary of State and the Commissioners . . . may incur expenditure"

not simply for the purpose of facilitating the listed matters but

"in doing anything which in his or their opinion is appropriate"

for such facilitation. In other words, the test is purely subjective. Almost anything could be classified as facilitating the changes and could have money spent on it.

Last Thursday, the Financial Secretary gave us a glimpse of some of the purposes to which the money may be put—this may strike a chord with my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth)—and said that the Government might want to spend some on

"the advertising that might be necessary".

We know exactly how thin that line could be, with the deluge of brochures, pamphlets and publicity material that are used to promote the Government's policies.

Dawn Primarolo *rose—*

Mr. Fallon: I seem to have struck a raw nerve.

Dawn Primarolo: The hon. Gentleman has not struck a raw nerve. I am trying to assist him so that he does not mislead the Committee. In fact, it was the Chairman of the Social Security Committee, the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood), who asked me to clarify that point, and I told him that I was talking not about advertising the working families tax credit but about investigating how we could ensure maximum take-up. The record will show that that is what I said.

Mr. Fallon: I have the record to hand. The Financial Secretary specifically said:

"The expenditure that is requested in the paving Bill is to cover the costs . . . It covers, mainly, information technology changes; the provision to the public of information about the new tax credits; the advertising that might be necessary".—[*Official Report*, 7 May 1998; Vol. 311, c. 889.]

We are getting into the Foreign and Commonwealth Office school of ministerial answers.

The plain fact is that subsection (1) has been far too loosely drafted. If the expenditure is appropriate for facilitation, it should be appropriate objectively, as specified in the legislation, and not determined simply by the opinion of the Secretary of State or the commissioners.

Dawn Primarolo: I have the record in front of me. I said:

"If I have given that impression, I am grateful to the hon. Gentleman for pointing it out. I was speaking about the development work to ensure proper take-up."—[*Official Report*, 7 May 1998; Vol. 311, c. 889.]

That is a clear answer, on the record. Conservative Members do not want to oppose the working families tax credit, because they know how popular the concept is and how important the development work will be. That was especially clear from the points that they made about businesses on Second Reading. They try to misquote and twist what is said, and I hope that the record is now correct and that the hon. Member for Sevenoaks (Mr. Fallon) will acknowledge the fact.

I do not need to repeat the purpose of the Bill, but we need to point out again to Conservative Members—they have amazingly short memories—that accountabilities are imposed on Departments to ensure the proper scrutiny of the spending of taxpayers' money. Opposition Members want to give the impression that there will be a pot of money that Departments dip into without any check, but they know full well that both Departments need to spend the money to develop the working families tax credit and that the paving Bill does not affect the controls on that expenditure.

Both Departments will be accountable for the money that they spend on the project in the same way as they are normally accountable, to their permanent secretaries and to the chief accounting officer. The National Audit Office and the Public Accounts Committee are also there to scrutinise expenditure. There is no need for the amendment.

If the hon. Member for Sevenoaks is so keen to ensure the smooth introduction of the working families tax credit, both for those who will receive it and to ensure that business is properly consulted and the bureaucracy kept to a minimum, he should withdraw the amendment.

Mr. Fallon: That is not a particularly encouraging answer, but in view of the need to get on to the other amendments, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Quentin Davies: I beg to move amendment No. 7, in page 1, line 15, at end insert—

'(e) an assessment of the compliance costs involved in (c) and (d).'.

The amendment provides for an assessment to be made of the compliance costs involved in the whole exercise—not merely the paving exercise but the working families tax credit exercise—which should be assessed as part of the preparations in the coming months. That is enormously important, because the public and businesses have not yet appreciated that the new working families tax credit, which is to be administered by the Inland Revenue rather than the Benefits Agency, will in fact be run by businesses, which will bear the real costs. This is one burden in the never-ending list of burdens that the new Labour Government are imposing on business, whether deliberately or simply out of negligence—or sheer ignorance of how businesses are run and the problems that such administrative and bureaucratic impositions can create for business, and small businesses in particular. We face the prospect of new trade union regulation, minimum wage legislation and a whole range of new burdens on businesses. The Bill will impose one more fairly major burden.

5.30 pm

As everyone knows, businesses in this country already bear the bulk of the administrative costs of running the income tax system. Under PAYE, which is administered by employers, the Inland Revenue has to do little other than receive a series of cheques. All the administrative work, deductions from salaries and so forth are done by employers, and that is a great burden on them. Over the years, they have had to face it and have put in the systems to cope. Employers, particularly small employers, complain very much about that, and rightly so.

The Bill will place a whole new burden on businesses, comparable to that placed on them by the introduction of PAYE but much greater. It will not merely double the burden that businesses have to carry as tax collectors for the state, but be a multiplication of that burden. It will impose a greater burden, first, because many details will have to be recorded that businesses did not have to bother about before.

I am sure that the Financial Secretary is about to tell the Committee that the Benefits Agency will make the assessment then inform employers how the tax coding must be changed for the individual. The fact is, however, that people's family circumstances will now be relevant to the amount of money deducted from or added to their wages in the form of working families tax credit, so a range of factors that have not been taken into account in the calculation of tax codes will have to be considered. Since there will be more factors, there will also be more changes. More computer entries will be required and employers will need more complicated systems with more complicated software to cope. Things will go wrong, and there will be greater administrative and managerial burdens and problems to be resolved. That is a considerable charge on business, particularly small businesses.

Mr. Forth: I hope that I am not anticipating my hon. Friend's point—if I am, I look forward to his clarification—but I am anxious that the amendment is too permissive and not sufficiently mandatory. Clause 1 states that

"any of the following things"

may be done, and lists them (a) to (d). The amendment adds (e), which is

"an assessment of the compliance costs involved",

but as I understand it that assessment will not be required. Does my hon. Friend think that the amendment is strong enough in that regard?

Mr. Davies: My right hon. Friend has a strong point. When the substantive Bill is before us, he might like to table a stronger amendment. We are showing how reasonable the Conservative Opposition are. We are starting the discussion of the concept of working families tax credit positively, making tentative suggestions and trying to be as helpful as we can to the Government. My right hon. Friend does not believe in a softly, softly approach when dealing with the Labour party, and I dare say that experience will prove him right, but we are starting the Parliament with a relatively softly, softly approach. I can assure him that, if it does not work, we shall return to the harder line that he suggests.

Small businesses have not yet focused on the burden on employers. When they do, it will be a nightmare prospect. What is more, the Bill will open up a new dimension in the relationship between employers and employees. Even if employees do not directly have to inform employers of a change in family circumstances—divorce, marriage, children, the people with whom they live or with whom they cease to live—those details will be available to employers, because they will be evident from the change in the tax codes that the Benefits Agency provides.

Finally and most significantly, an enormous potential compliance cost is involved on which we must have assurances from the Government this afternoon. At the

[Mr. Davies]

moment, net pay is less than gross pay. If an employee is paid £200 a week in gross pay, some of it will be paid to the national insurance fund and to the Inland Revenue through PAYE, and the balance will go directly to the employee. With the working families tax credit, in certain cases net pay will be more than gross pay, so the employer will have to pay out more than the salary or wage of the employee in question, and the difference will presumably be refunded subsequently by the Benefits Agency. That will create a significant cash flow cost for employers as well as a considerable financing burden.

I have two questions for the Financial Secretary. First, by what measures will she compensate employers for that cost? I take it that they will be able to charge the Benefits Agency interest, which should fully compensate them for their financing costs. I also take it that that will not be less than the working capital cost that the employer pays when borrowing money from the bank, as that would be totally unfair and a new tax on employers.

Secondly, what will be the position of employers who have already reached their borrowing limit with the bank? The requirement imposed by the Government through this measure, which is essentially for additional working capital, may push them through the limit and cause severe cash flow constraints, which might undermine the viability of the business. What assurances can the hon. Lady give the Committee on those matters? They are of the greatest economic importance and importance to businesses, as well as to employees, as the most perverse result of the measure might be, as I am sure she would agree, to reduce employment and create a major deterrent to employers to take on people who are, or look as though they are likely to be, the beneficiaries of working families tax credit.

Dawn Primarolo: I like the hon. Member for Grantham and Stamford (Mr. Davies)—I sincerely hope that that does not damage his political future—

Mr. Forth: Yes, it does.

Dawn Primarolo: I am sorry. It is a shame that the hon. Member for Grantham and Stamford did not read the Second Reading debate before he commented on cash flow, burdens on employers and the need to keep compliance costs to the minimum, which were points made by his hon. Friend the Member for Sevenoaks (Mr. Fallon) in that debate. I realise that I am not allowed to repeat the arguments and will merely refer the hon. Gentleman to columns 886 and 887 of the Second Reading debate, which deal with compliance costs, working with employers and the need to keep those costs low.

On cash flow, I pointed out to the House that procedures are in place to deal with a similar situation to the one that the hon. Gentleman described in respect of statutory sick pay and maternity pay. Part of the reason for the paving Bill to start consultation, particularly with employers, is to find whether similar procedures would be appropriate for tax credits, and how best they should be administered. The measure deals with exactly the points raised by the hon. Member for Grantham and Stamford on the involvement of business and whether there are extra compliance costs.

The right hon. Member for Bromley and Chislehurst (Mr. Forth) got it in one when he mentioned the problem with the amendment and gave the reason why I am going to ask the Committee to reject it. It gives us powers to incur the expenditure but does not oblige us to undertake a compliance cost assessment. That is clearly not what the hon. Member for Grantham and Stamford intended. It is therefore defective and does not achieve its objectives.

The project team of the Inland Revenue and the Department of Social Security has already met representatives of the business community, and will regularly meet and consult them, to ensure that we minimise employer compliance costs. That has to be a major part of our discussions with employer groups, payroll organisations and others. When the Bill to introduce working families tax credit comes before the House, hon. Members would expect discussions on compliance to be part of the debate. I ask the Committee to reject the amendment—first, because it is defective and does not achieve what its mover said he wanted it to; and, secondly, because what it is intended to achieve will be done anyway. No amendment is necessary

Mr. Fallon: I am disappointed and hurt that I did not receive a sign of affection similar to that conveyed by the Financial Secretary to my hon. Friend the Member for Grantham and Stamford (Mr. Davies). I see that I shall have to work harder whether in this Committee or in that to which we shall shortly return upstairs.

This was a mild amendment, as the Financial Secretary said. It would not make the compliance costs mandatory but it would at least introduce them into the Bill and ensure that they were discretionary. She keeps saying that she intends to minimise the overall cost to employers, but she gave us no idea of the extent to which she recognised the cash flow problems of businesses, in addition to the administrative problems.

As my hon. Friend the Member for Grantham and Stamford said, in many companies, the net pay of employees who receive the credit will be higher than their gross pay. The first payment will have to be made at least 19 days before the other payment. There will be a negative cash flow impact on business and a positive one on the Treasury. I think that there is a case for compensating employers who have to live with that cash flow impact. It is certainly a matter to which we shall return when the major legislation comes before the House. In the meantime, because of the Financial Secretary's failure to recognise the additional burden on business, I am not minded to withdraw the amendment.

Question put, That the amendment be made:—

The Committee divided: Ayes 119, Noes 227.

Division No. 276] **[5.43 pm**

AYES

Ainsworth, Peter *(E Surrey)*	Brazier, Julian
Allan, Richard	Browning, Mrs Angela
Ancram, Rt Hon Michael	Bruce, Ian *(S Dorset)*
Arbuthnot, James	Bruce, Malcolm *(Gordon)*
Baldry, Tony	Burnett, John
Bercow, John	Burns, Simon
Beresford, Sir Paul	Burstow, Paul
Blunt, Crispin	Butterfill, John
Boswell, Tim	Cable, Dr Vincent
Bottomley, Peter *(Worthing W)*	Chapman, Sir Sydney
Brady, Graham	*(Chipping Barnet)*

Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Fabricant, Michael
Fallon, Michael
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fox, Dr Liam
Fraser, Christopher
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hancock, Mike
Harvey, Nick
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Johnson Smith,
Rt Hon Sir Geoffrey
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Letwin, Oliver
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Moss, Malcolm
Norman, Archie
Ottaway, Richard
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Welsh, Andrew
Whittingdale, John
Wilkinson, John
Willis, Phil
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Nigel Waterson and
Sir David Madel.

NOES

Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Barnes, Harry
Battle, John
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bennett, Andrew F
Berry, Roger
Best, Harold
Betts, Clive
Blizzard, Bob
Boateng, Paul
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brinton, Mrs Helen
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Stephen
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Caplin, Ivor
Casale, Roger
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Davey, Valerie *(Bristol W)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Follett, Barbara
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Jane *(Reading E)*
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Healey, John
Henderson, Ivan *(Harwich)*
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hodge, Ms Margaret
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ilsley, Eric
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Jones, Ms Jenny
(Wolverh'ton SW)
Jones, Dr Lynne *(Selly Oak)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Linton, Martin
Livingstone, Ken
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Moffatt, Laura
Moran, Ms Margaret
Morley, Elliot
Mudie, George
Mullin, Chris
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Rammell, Bill
Rapson, Syd
Reed, Andrew *(Loughborough)*
Robinson, Geoffrey *(Cov'try NW)*
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine
(Morecambe & Lunesdale)
Smith, John *(Glamorgan)*
Soley, Clive

Southworth, Ms Helen	Vaz, Keith
Stevenson, George	Vis, Dr Rudi
Stewart, David *(Inverness E)*	Walley, Ms Joan
Stewart, Ian *(Eccles)*	Ward, Ms Claire
Stinchcombe, Paul	Wareing, Robert N
Strang, Rt Hon Dr Gavin	Watts, David
Stringer, Graham	White, Brian
Stuart, Ms Gisela	Whitehead, Dr Alan
Sutcliffe, Gerry	Wicks, Malcolm
Taylor, Rt Hon Mrs Ann *(Dewsbury)*	Williams, Alan W *(E Carmarthen)*
Taylor, David *(NW Leics)*	Wood, Mike
Thomas, Gareth R *(Harrow W)*	Woolas, Phil
Timms, Stephen	Wright, Anthony D *(Gt Yarmouth)*
Tipping, Paddy	Wright, Dr Tony *(Cannock)*
Todd, Mark	Wyatt, Derek
Touhig, Don	**Tellers for the Noes:**
Truswell, Paul	**Janet Anderson and**
Twigg, Stephen *(Enfield)*	**Mr. Kevin Hughes.**

Question accordingly negatived.

Mr. Fallon: I beg to move amendment No. 2, in page 1, leave out lines 17 and 18.

The First Deputy Chairman: With this, it will be convenient to discuss amendment No. 10, in page 1, line 20, at end insert—

'(2A) Subsection (1) above shall apply to expenditure on any of the things there mentioned for a period of twelve months after this Act comes into force, but shall not apply thereafter in respect of any of those things unless a Bill giving, or purporting to give, approval to that thing has been read a second time in the House of Commons.'.

Mr. Fallon: With this last group of amendments, we address the serious issue of the lack of a relationship between the Bill and the legislation it presages. We have been told time and again that the Bill is a paving Bill, yet there is nothing in it to link it to any subsequent legislation. Indeed, clause 1(2)(a) specifically states that the powers in the Bill

"shall be exercisable whether or not Parliament has given any approval"

to the changes that are being introduced. That means that all the expenditure and administrative effort could be undertaken, but the changes themselves—the replacement of benefits with tax credits—could be postponed or even cancelled.

That is an extraordinary provision. Presumably, it has been put in the Bill to remove any doubt about whether the powers need to be linked to any subsequent legislation. Amendment No. 2 would delete that provision, and amendment No. 10 would introduce the link that is necessary to ensure that the Government can spend money on preparation, get on with consulting business and install the equipment that will be needed, but that, sooner or later—we suggest slightly sooner—the subsequent legislation must be presented to the House.

Amendment No. 10 has been reasonably carefully drafted to ensure that the Government can at least get going and spend some of the money without having to wait for the subsequent legislation to be passed—indeed, they do not even have to depend on that legislation being passed—but that they have to present to the House and obtain Second Reading for a Bill to establish and give statutory authority to the various changes described in subsection (1). That is essential. Otherwise, the Government could spend millions, even billions, of pounds on a particular course and decide in the end not to make the changes. If this is a paving Bill, it should be linked properly to the legislation that will follow it.

Mr. Forth: I am grateful to my hon. Friend the Member for Sevenoaks (Mr. Fallon) for drawing this matter to the attention of the Committee. When I first saw clause 1(2)(a), I could not believe my eyes. Any purportedly serious legislation that states:

"The powers . . . shall be exercisable whether or not Parliament has given any approval on which any of the things there mentioned depends"

makes one pause for thought—to put it mildly. I shall say this for the paragraph—and these are my only words of welcome for it: it is absolutely consonant with the spirit of the rest of the Bill. As Opposition Members said earlier, it contains no detail whatsoever and is a catalogue of blank cheques, unconstrained powers, and unidentified aims and objectives. However, in the context of the parliamentary process, subsection (2)(a) is perhaps the most worrying aspect.

6 pm

That brings us back to what we said when discussing a previous amendment. As my hon. Friends have noted, we are reasonably content with the broad objectives of the Bill—there is no dispute about that. However, those objectives are stated in the broadest possible manner and contain no detail at all. That makes things difficult for responsible Members of Parliament on the Government or Opposition sides. I am delighted to see that one distinguished Government Back Bencher has joined the debate—I hope that we shall hear from the hon. Member for Bethnal Green and Bow (Ms King) shortly. I apologise, as I can see another Government Back Bencher. I think that I see two Labour Members packing the Chamber—

The First Deputy Chairman: Order. I shall not allow the right hon. Gentleman to get away with that. He should speak to the amendment and not refer at length to who is in the Chamber. He is in the Chamber; I am in the Chamber; and I am listening to him.

Mr. Forth: We make a great double act, Mr. Martin, and I am grateful for that.

The Bill lacks any details that provide a reference point for Members of Parliament—whether numerous or not—to scrutinise, question and hold the Government to account. The more vague the Bill and the less detail it contains, the more difficult it becomes to promote accountability, which is primarily the responsibility of the official Opposition. Subsection (2)(a) goes further than that by seeking to extend the powers in clause 1 and becoming completely open-ended and unspecified.

That is why I welcome the amendment, which seeks to remove subsection (2)(a) altogether. I hope that the Minister will explain why it was deemed necessary to include that provision in the Bill. I cannot for the life of me guess what the justification could be. At the very least, the Minister owes us a comprehensive explanation of the necessity of the provision and why it has been drafted in a way that arouses our suspicions. If the Government wanted to take the Opposition with them, one would think

that they would frame measures in such a way as to provide some reassurance. However, the Government seem to be doing the opposite. Bills that are drafted in this way cause unease and suspicion among hon. Members, which is most regrettable. I hope that the amendment will lead to a full explanation, if nothing else.

That brings me to the second amendment that my hon. Friend introduced so ably. There is a risk that I may part company from him here. If I am reading the amendment correctly—this is also how I interpreted his explanation—it suggests that a mere Second Reading of subsequent legislation would provide a trigger for expenditure. I am not sure what was in my hon. Friend's mind when he drafted the amendment, but that strikes me as being a rather unusual approach, and I am not too happy with it. It is at odds with the argument that I am making—a fact of which I am rather conscious, so I shall point that out before anyone else does.

I find myself in the unusual position of having difficulty understanding why my hon. Friend has included that provision in his amendment. It is somewhat at odds—I invite my hon. Friend to correct me if I am wrong—with the argument that I am making about detail and accountability. If my hon. Friend is saying that a mere Second Reading would enable further expenditure to take place without Parliament knowing the details of that expenditure, my fear is that it would lead to a lack of accountability, and I am arguing that the Bill should be more accountable.

If the amendments are put to the vote, I might ask for them to be put separately. I shall be able to support whole-heartedly my hon. Friend's first amendment, which hits the nail on the head. Regrettably, unless I hear from my hon. Friend the Member for Sevenoaks or my hon. Friend the Member for Grantham and Stamford (Mr. Davies), I am reluctant to support amendment No. 10 at this stage because I fear that it is at odds with the thrust of my argument this afternoon.

Mr. Malcolm Bruce (Gordon): I rise briefly to echo the concerns expressed about subsection (2)(a). I agree with the right hon. Member for Bromley and Chislehurst (Mr. Forth) that the phrase that appears in the Bill is quite extraordinary. I suppose that it is bold to include such an expression in legislation, because basically it says, "Please give us an unspecified amount for an unspecified time to do something that may not subsequently receive the approval of Parliament". My hon. Friend the Member for Roxburgh and Berwickshire (Mr. Kirkwood), in his capacity as Chairman of the Social Security Select Committee, referred specifically to that on Second Reading.

While I do not have the same reservations as some Conservative Members about the Bill's ultimate objective, all hon. Members recognise that, although the working families tax credit and connecting benefit with the wage packet as a reward for work are good ideas, there are many difficulties associated with the measure that the Government have been unable to explain to the Committee. It is fair for the Government to say that they must make preparations. I do not object to a Bill that says that the Government must make preparations in order to provide information that will ultimately form the basis of more substantial expenditure. However, that is a little difficult to take when the Government will not define the time scale or the amount that they propose to spend or make the measure in any way conditional on Parliament's approving the subsequent legislation.

Some people may believe that this is an academic argument—they will look at the Government's majority and say, "They have a majority, so what is the problem?" There are two problems. The first involves a fundamental principle: either the House operates as a democratic Chamber or it does not. Whatever the size of a Government's majority, they should not presume that all their legislation will be passed. Secondly—and more to the point—the Government may find that although there is much support for the principle behind their plans, the detail is substantially different.

In those circumstances, I believe that it is not unreasonable for the Committee to apply some defining framework to this legislation. I understand the concerns expressed by the right hon. Member for Bromley and Chislehurst. I suspect that he does not want one penny to be spent on preparations: he views amendment No. 10 as effectively sanctioning that expenditure and simply putting a time limit on it. I have no problem with that. As I recall, my hon. Friend the Member for Roxburgh and Berwickshire was concerned about the haste with which the Bill was being introduced, and suggested that more detail should be in evidence before we give the Government a blank cheque.

For those reasons, and not because I oppose the Government's aims, I consider the amendments pertinent. I hope that the Financial Secretary will recognise that there is genuine concern that we are being asked to approve a measure which might go out of control. I am sure that she will understand that if she or any other Minister has to tell the House in a year's time that the Government have spent £40 million and still do not have the answers, the record of today's debate will be quoted back at them.

Mr. Green: I am grateful to follow two such distinguished and experienced parliamentarians. Their remarks have removed one of the doubts in my mind. When I read the words covered by amendment No. 2, I was puzzled about what they meant. As a new Member, I could not understand how a Government could, even in a paving Bill, claim powers that would be exercisable whether or not Parliament has given approval. I attributed that to my own inexperience, but I now know that others more experienced than I am find the proposal extraordinary.

How could the powers be exercisable if Parliament did not approve the measures designed to follow this paving Bill and bring in the tax credit system? I hope that the Financial Secretary will explain that. On Second Reading, it was pointed out that the powers that the Government are taking under the Bill could be spread to almost any part of the benefits system. One suspects that that is the intention—the Government are introducing a way of allowing greater power to be exercised to change the balance between benefits and tax credits, without returning to the House.

Apart from the arguments in principle that were deployed by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and the hon. Member for Gordon (Mr. Bruce), there is a practical objection. Any legislation that allows such latitude to a Government must be suspect. One of the possible

[Mr. Green]

side-effects of the Bill is that the tax credit could have a significant effect on the public spending figures and particularly the public borrowing figures.

As the money is transferred from public expenditure to tax credits, there will be an effect on some of the most important macro-economic statistics, which—not to put too fine a point on it—will look better, even though, in reality, nothing will have changed. If the Government are giving themselves the power to do that over a wide front, one would have to be naive to assume that that power would not be extremely tempting for a Government who had run into trouble with their public borrowing.

The Government already have form in terms of attempting to take powers without proper respect for parliamentary scrutiny. It is therefore understandable that many Opposition Members are suspicious. Bagehot famously divided the constitution into the efficient and the dignified parts. I sometimes think that the Government have invented a third category—the inefficient part of the British constitution. They regard the House of Commons as inefficient because it can stand in the way of administrative fiat. That is what the Government dislike, but, as that is the purpose of Parliament, we must assert the powers of House at every opportunity, as amendment No. 2 does.

I agree with my right hon. Friend the Member for Bromley and Chislehurst that amendment No. 10 does not sit easily in a group with amendment No. 2, as it approaches the problem in a different way. Amendment No. 10 can be considered a backstop. If the Government are not minded to accept amendment No. 2, which would remove the problem caused by the clause as drafted, amendment No. 10 would give the House a chance to return to the matter after a year and take a view on whether the Government should be allowed to proceed as they intend.

Mr. Forth: Does my hon. Friend agree that even if a Bill were given a Second Reading, we could not be certain whether it sanctioned a particular level of expenditure, as that might come out only later, in Committee? Does my hon. Friend see the danger in that?

6.15 pm

Mr. Green: I agree; that is important. If I had to choose between the amendments, I prefer amendment No. 2. Amendment No. 10 would be acceptable, though less good.

The hon. Member for Gordon said that the argument may seem academic, but there are practical implications. We already know that the Government's legislative timetable for the year is in trouble. They are holding over the House the nuclear threat of sitting into August. It is not inconceivable that legislation planned for the next Session may not emerge in the Queen's Speech—

The First Deputy Chairman: Order. The hon. Gentleman is going far too wide of the amendment.

Mr. Green: I am grateful for that guidance, Mr. Martin.

The 12-month rule in amendment No. 10 may be practically relevant, even if the amendment is inadequately drafted, as it may well be more than 12 months before the legislation that will follow this paving Bill emerges.

The argument would be important even if it were simply academic, because of the principle of enforcing proper parliamentary procedure and scrutiny, but it may have a practical point. The overall point illustrated by the amendments is that in a peculiar way, this is a paving Bill that does not pave. If nothing happens afterwards, the Bill proceeds anyway. One of the effects of the amendments, especially amendment No. 2, would be to make it a proper paving Bill. Something must follow it for the Bill to have effect. For those reasons, I support the amendments.

Dawn Primarolo: I remind the Committee that the Government are publicly committed to introducing the new tax credits from October 1999. The paving Bill is the first step in ensuring that that will happen. As I said with regard to all the amendments and on Second Reading, the purpose of the Bill is to enable the two Departments to begin the necessary preparatory work now, in order to meet that timetable. I have also said that the substantive legislation will be presented to enable us to fulfil our plans and meet the timetable for introduction. On Second Reading, I made it clear that the Government were aiming for the next Session.

Hon. Members cannot have it both ways. They cannot call on the Government to consult properly, to consider the options, and not to take Parliament for granted or make assumptions about what may follow, and then propose amendments Nos. 2 and 10, which would do exactly that.

The hon. Member for Gordon (Mr. Bruce) asked a number of questions and argued the points made by his hon. Friend the Member for Roxburgh and Berwickshire (Mr. Kirkwood) on Second Reading. In answer to his first question, the purpose of the Bill is to give the Government authority to undertake the development and consultation that every hon. Member who has spoken in the debate so far has recognised is necessary. It would be a miracle if we could settle on only one option and develop it. We need to explore the options. That is what consultation is about. Therefore, amendment No. 10, which introduces restrictions, is unhelpful.

The hon. Gentleman then pointed out how much this would cost. I draw his attention to the financial effects of the Bill and remind him that, inevitably, these are estimates. We have provided the Committee with the best estimate. Conservative Members repeatedly seem to forget that the Bill does not affect the controls on public expenditure and the need for the Department to be financially accountable to the Public Accounts Committee, the National Audit Office and its accounting officer. There is no question of a lack of accountability.

I do not think that the hon. Member for Gordon is suggesting that the Government should delay the introduction of the working families tax credit in opposing this paving Bill. Nor are other Opposition Members. They would not stand a cat in hell's chance on the doorstep of families who want to receive child care credits and understand how much the working families tax credit will help them to tackle poverty and support them in work if they explained, "We denied you all this money because we thought we should take a year longer."

The Government's request is reasonable. We want a paving Bill so that we can undertake consultation and development work. That will ensure that when we

introduce the legislation we have the tax credits ready and the House is fully informed. I ask hon. Members to reject amendment Nos. 2 and 10 because the controls they seek are unnecessary. The Government's undertakings are clear. Hon. Gentlemen should support the Government and ensure that the legislation is consulted on, well drafted and introduced on time.

I have one further point to make. It has been drawn to my attention that it was remiss of me not to wish the hon. Member for Sevenoaks (Mr. Fallon) a happy birthday. I do so now. In the good spirit in which I know he will celebrate his birthday, I am sure he will support the Government on Third Reading.

Mr. Quentin Davies: The Financial Secretary has great charm and I am sure that my hon. Friend the Member for Sevenoaks (Mr. Fallon) is touched at having his birthday remembered in this fashion and, indeed, recorded by *Hansard* for the world to know about tomorrow morning.

Once again, the hon. Lady has not dealt properly with the thrust of these important amendments. Their importance was well brought out by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), my hon. Friend the Member for Ashford (Mr. Green) and the hon. Member for Gordon (Mr. Bruce). Both my right hon. Friend and the hon. Member for Gordon used the same phrase—a blank cheque. That is what the Bill is all about, and the House of Commons should not tolerate a blank cheque. A blank cheque will be forced on the Committee if we are not careful tonight.

My right hon. and hon. Friends deserve a considered response to the point they raised in relation to amendment No. 10. They asked why the Bill should be confirmed as a paving Bill only if the substantive Bill is read a Second time. The implication was: why did we not include in the amendment a reference to Third Reading or Royal Assent? Once again, my right hon. Friend demonstrates that he thinks that it would be appropriate for the Opposition to take a hard-nosed stance and to show no trust in the new Labour Government. Perhaps he feels that we have been excessively conciliatory in our dealings with them.

The essential point is that we are concerned with the extraordinary pretentiousness of clause 1(2)(a) which states that the powers

"shall be exercisable whether or not Parliament has given any approval on which any of the things there mentioned depends".

We thought that at the very least we should make it clear that if the substantive Bill is not introduced or fails on Second Reading, and Parliament clearly has no general intention to proceed along this line, the paving Bill and the powers that it confers on the Government would be brought to an end. That is the least that we can expect from the Government. It is perfectly reasonable of my right hon. Friend to think that we might go for rather more, but I am sure he agrees that we should expect at least that.

I must ask the Financial Secretary what will happen if she introduces the substantive Bill, as she has undertaken to do—it is interesting that we have already have a commitment for the Queen's Speech this autumn—but it fails to receive a Second Reading. What will happen if the House decides not to proceed in the direction set out by the Chancellor of the Exchequer in his Budget speech? What will happen to the powers in the paving Bill? We must have an answer to that before we take matters any further tonight. While that key question is in the hon. Lady's mind and before she can avoid it, I shall sit down and listen with interest to her answer.

Dawn Primarolo: I have explained why a paving Bill is required and why we need these powers for the two Departments to undertake the consultation and development work. It is the Government's clear intention to introduce legislation within the timetable. Given the hon. Gentleman's keen interest in that timetable, I am sure that he will do everything possible to ensure the legislation's speedy passage through the House.

Mr. Fallon: I assure the Financial Secretary that we have ensured that the legislation will go through the House reasonably smoothly. Indeed, we have been co-operating to that effect by agreeing to take all the remaining stages tonight, but she cannot expect this legislation to pass without any scrutiny whatever.

The hon. Lady provided only two justifications for the absence of any connection between this Bill and the legislation which will follow. First, she said that there was a public commitment to produce this legislation. I remind her that the Government made a public commitment to produce a Green Book at the time of the Budget, but that did not appear. They made a public commitment to produce a White Paper on union recognition last autumn and to produce a defence review by this spring, but those documents have not yet appeared. It is no use her simply saying that the Government are committed to doing this. We believe that our amendment would secure the necessary link.

Secondly, the hon. Lady suggested that whatever money was spent, there was some accountability. It was the Labour party which hammered the last Conservative Government about the sum spent in preparation for the community charge. All that money was similarly accountable for to Parliament. It was spent, and she, perhaps rightly, criticised how much was spent. Therefore, that suggestion will not wash.

The hon. Lady has not answered the concern we raised in amendment No. 2 or explained why this curious paragraph is necessary. She has not justified lines 17 and 18 which every hon. Member who has spoken in the debate finds puzzling. In effect, they provide that whether or not Parliament approves the ultimate transfer of benefits into credits, she can go on and spend the money. Those lines should have been justified, and amendment No. 2 would delete them from the Bill.

Amendment No. 10 did not win the unanimous support of the Committee. I take a more moderate view than my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and my hon. Friend the Member for Ashford (Mr. Green). They are hard men, and perhaps they wanted me to press for the subsequent legislation to receive Third Reading and Royal Assent before the money could be spent. I was endeavouring to be helpful. We want the preparations to go well, but we also want to ensure that there is a longstop at the end. Specifying a Second Reading would at least have shown the Government's intention. Yet again, the Financial Secretary has failed to justify these wide-ranging powers,

[Mr. Fallon]

but, because of the hour, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 1 ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Sir Peter Emery (East Devon): On a point of order, Sir Alan.

The Chairman of Ways and Means (Sir Alan Haselhurst): I am given to understand that the right hon. Gentleman's point of order relates to another matter. It might be for the convenience of the Committee if we complete the business before us.

Sir Peter Emery: Further to that point of order, Sir Alan. The matter is urgent.

The Chairman: Order. The Bill has to be reported first.

Bill reported, without amendment.

Points of Order

6.33 pm

Sir Peter Emery (East Devon): On a point of order, Mr. Deputy Speaker. I shall get it right this time. I raise what I consider to be a most serious matter affecting a Select Committee of the House and the House as a whole. I ask that you report my remarks to Madam Speaker and ask whether she will look into the matter.

A Committee's papers are very much held by it and are not published until it decides that they should be. Today, a letter to the Chairman of the Select Committee on Foreign Affairs was referred to on the Floor of the House, not only before the Committee had knowledge of it, but before the Chairman had received it or even knew about it. That most unusual situation was made more unusual by the fact that a copy was in the hands of the BBC at No. 4 Millbank. In addition, one learned at the BBC that a communication made by the Minister of State about the matter, of which no member of the Committee and no hon. Member knew anything, had also been sent to the BBC.

This is a serious matter, because it affects the reputation of a Minister of State and evidence that was given to the Select Committee on Foreign Affairs this morning, which is partially but not entirely contradicted by the letter of Sir John Kerr. Will you, Mr. Deputy Speaker, please ask Madam Speaker whether she will look into the matter? The way to clarify the situation, as has been suggested, is to produce the briefing given by the Foreign Office to the Minister in question.

I realise that this is partially a Committee matter, but it is serious: it affects the House because the breach took place on the Floor of the House. Madam Speaker should look into it.

Sir Patrick Cormack (South Staffordshire): Further to that point of order, Mr. Deputy Speaker. In answer to me at business questions, the Leader of the House referred to the letter in a manner that implied that I might have seen it. She said that she did not know whether I had seen it. I would not for a minute accuse the Leader of the House of saying or doing anything improper, but I could not have seen the letter, unless I was a BBC employee perhaps.

This is most unfortunate, and I should be most grateful if you, Mr. Deputy Speaker, reported the circumstances to Madam Speaker and asked her to consider the tone and content of the letter. It refers to Sir John Kerr checking his memory. One would have hoped that he would have done that before appearing.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Gentleman is straying far from anything that is the responsibility of Madam Speaker.

I shall reply to the point of order from the right hon. Member for East Devon (Sir P. Emery), who, in essence, supplied the answer to the point of order made by the hon. Member for South Staffordshire (Sir P. Cormack), although I allowed the hon. Gentleman fully to state it for the record. The communication was to the Chairman of the Select Committee on Foreign Affairs, so it is for the Chairman and the Select Committee to determine what should happen to the document. Any other reference to that is not a matter for the Chair; a reference by any other

right hon. Member or hon. Member is a matter for debate and question in the House. If I opine correctly about the subject matter, there is to be a debate on it on Monday.

Sir Peter Emery: Further to my point of order, Mr. Deputy Speaker. Of course you were right about the powers of the Committee—no one would challenge that—but my point is that the Committee has not had the opportunity to make any decision.

Mr. Deputy Speaker: Order. The right hon. Gentleman, who is a member of the Select Committee on Foreign Affairs, must know, with proper regard to its rights, that he must next raise the matter in that forum. It cannot be for me to deal with from the Chair.

Mr. Eric Forth (Bromley and Chislehurst): Further to that point of order, Mr. Deputy Speaker. The point that came up this afternoon was different: the Leader of the House was purporting to offer in evidence a letter, without giving the House the opportunity to see it.

Mr. Deputy Speaker: Order. I have dealt with that point. Anything that is raised by a right hon. or hon. Member is a matter for debate and question in the House, not a point of order for the Chair.

Sir Patrick Cormack: I am extremely grateful for what you have said, Mr. Deputy Speaker, but I merely ask whether you would be kind enough to refer the exchanges to Madam Speaker.

Mr. Deputy Speaker: I have ruled that both the points that I have identified are not matters for the Chair and therefore, by definition, not matters for Madam Speaker. They are, however, on the record for everyone to read.

Tax Credits (Initial Expenditure) Bill

Order for Third Reading read.

6.37 pm

Dawn Primarolo: I beg to move, That the Bill be now read the Third time.

When the working families tax credit is up and running, it will provide £5 billion to 1.5 million working families, which is the equivalent of £70 per week per family, and will give almost £1.5 billion more in-work support than family credit. It represents an important step towards greater integration of the tax and benefits systems and will reduce the wasteful overlap between the tax and social security systems, whereby almost 500,000 families pay tax to the Inland Revenue while receiving family credit from the Department of Social Security.

This paving Bill will assist in the preparatory work for the development of the working families tax credit and the disabled persons tax credit. It will ensure that the legislation, when it comes before the House, has been fully developed and that the credits are ready to be put into operation.

6.40 pm

Mr. Fallon: The Bill is not about working families tax credit. We look forward to making a range of arguments when the major legislation is presented to the House later in the year. So that no one is able to mislead the House or the country about our position, I shall put on record the fact that we are not opposed in principle to the translation of benefits into tax credits provided that the system is transparent, easy to operate, does not impose a significant additional burden on employers and is fully compatible with the principles of independent taxation that we introduced.

The Bill is unsatisfactory. It is indiscriminate, it lacks any limit on the expenditure being sought, it lacks a timetable and, above all, it is not a paving Bill, because it does not pave the way for any other legislation. Nothing in the Bill links it to any subsequent legislation. The expenditure under the Bill need not be restricted to the working families tax credit and the disabled persons tax credit. The definition in clause 1(1) is

"benefits with income tax credits".

The Bill is thoroughly unsatisfactory, and we have done our best to amend it. The Financial Secretary has treated these proceedings throughout as if they were a burden to her. It is as if we should have given authority for this additional expenditure on the nod. The valid points that we have raised have justified the additional scrutiny that we have been able to afford the Bill.

6.42 pm

Mr. Malcolm Bruce: As a Liberal Democrat, my support for the principle of tax credits is long-standing. My party has often argued that it is a way of transferring money to poorer people. I have no problem with the principle behind the Bill and the Government's desire to develop the idea of tax credits. I accept that we need to provide resources to do that.

However, my hon. Friend the Member for Roxburgh and Berwickshire (Mr. Kirkwood) and I have expressed some reservations. We think that the Bill is imprecise and

[Mr. Malcolm Bruce]

ill defined. We shall hold the Government to the broad parameters that they have set themselves and to the timetable. I hope that as they develop the idea of tax credits, they will bear in mind the need for transparency and comparability.

The amendment to the Red Book was not an unreasonable way to present the figures. However, the problem is that it had a different effect. The Chancellor said that there should be a debate about whether tax credits should be classified as expenditure—in effect, a charge on social security—or as a negative tax incorporated in the Inland Revenue. The Bill requires the Inland Revenue and the Department of Social Security to work out ways of administering the credits. The effect of treating something as expenditure as opposed to negative income tax is that it alters the percentage of the gross domestic product that goes in taxation. That has the convenient effect for the Government of just taking it away from the top limit that it was about to reach.

I do not want to delay the passage of the Bill. I accept the Government's case with reservations. I urge them to ensure that when they present changes they do so openly and honestly, so that people can assess their significance. There is still concern about the problem of ensuring that the advantage gained from people getting benefits in connection with work does not undermine the principle, which the Government and the Liberal Democrats support, of the right of independent assessment. The Government have argued that, as that does not apply to family credit, no further compromise is required. However, they know perfectly well that an awful lot of women who currently receive money in their hands will not do so in future. If that were to happen, not everything that comes out of this process will be popular with all the beneficiaries. I hope that in a year from now the concerns that we have expressed will not have been vindicated by the outcome.

6.45 pm

Mr. Forth: I am not as charitable about the Bill as my hon. Friend the Member for Sevenoaks (Mr. Fallon). We have not discussed its grand aims and objectives. The Financial Secretary misread the tenor of the debate when she happily burbled on about the joys to come if the Bill were to reach the statute book—never mind any further legislation containing the real substance, this being only a paving measure, as we have repeatedly been told.

The debate in Committee was about the essential nature of the Bill and our worries about it, charged as we are with scrutiny of legislation. The debate revolved around the key phrases in the Bill, which were picked up again and again. It allows the Secretary of State and the commissioners to do

"anything which in . . . their opinion is appropriate for the purpose".

It rubs salt in that wound by saying that the powers conferred by that subsection

"shall be exercisable whether or not Parliament has given any approval on which any of the things there mentioned depends".

Those phrases caused the greatest anxiety among Opposition Members. What makes matters worse is the provision in clause 1(3), which states:

"Any expenditure incurred under this section shall be defrayed out of money provided by Parliament."

That is almost legislative impudence. It completes the vicious circle. The Bill is saying, "Trust us, allow us to spend anything. We're not going to tell you in any detail what we're going to do. By the way, we want Parliament to give authorisation for any expenditure that may occur but it won't be specified."

Mr. Green: Is not the position worse than that? As I read the Bill, it is possible for Parliament to reject the Bill that is intended to follow the paving Bill, and for this Bill still to enable the Government to act as if the subsequent Bill had been passed.

Mr. Forth: My hon. Friend is right. That is our dilemma. We are being asked to authorise this completely unconstrained, unidentified and non-detailed activity and expenditure without knowing what will follow and in the knowledge that, if nothing were to follow—which would be in tune with what we have come to expect from the Government—because of delays, internal disputes, indecision or further review, we would be left with the burdens that this Bill would impose on the taxpayer. We do not know what those burdens will be, except for the vague passing reference in the explanatory and financial memorandum to "around £15-20 million", although even that must be in some doubt.

When my hon. Friend the Member for Sevenoaks, perfectly reasonably, moved an amendment to write into the Bill a ceiling on expenditure not unadjacent to the figure in the explanatory and financial memorandum, the Financial Secretary refused to accept it.

The Financial Secretary sought to reassure us by saying, "Don't worry. As usual, the Public Accounts Committee, the National Audit Office, the accounting officer and other splendid organs of government and the constitution will scrutinise the money that has been spent, so that will be all right." By then, however, the money will have been spent. Surely our role is to take responsibility for the money before it is spent on the taxpayer's behalf. We should not turn round afterwards and say, "We are terribly sorry, but the PAC, the NAO and whoever else have just discovered that £20 million was spent to no effect." We have not had sufficient reassurance from the Financial Secretary.

This has been a rather sorry episode. My hon. Friends the Members for Sevenoaks and for Grantham and Stamford (Mr. Davies) have endeavoured to co-operate with the Government; they have been rather too helpful in my view, but I understand what they have done, because they share the broad objectives outlined by the Financial Secretary. I, however, am not satisfied. Whether any of my hon. Friends are dissatisfied is for them to say, but we need much more explanation from the Government—particularly the Financial Secretary—before we can be satisfied with the Bill.

6.50 pm

Mr. Peter Bottomley (Worthing, West): Let me briefly follow the point made by the hon. Member for Gordon (Mr. Bruce) about public accounting. The Bill's provision for effectively changing benefits into tax credits should also, in my view, be considered in regard to what is wrongly called child benefit. I have said before that it should be called a child tax allowance, and I believe that the commissioners of the Inland Revenue and the

Department of Social Security should consider whether it should be set against tax in public accounting. If so, it would have an impact on the public sector borrowing requirement, but would not be counted in public spending.

I would make more points if it were convenient to speak at greater length, but I must ask the Minister whether she knows the impact on public spending of turning one benefit and one allowance into a tax credit, and whether she could do the same for the child cash allowance. I feel strongly that child benefit should continue to be paid as a child cash allowance, but the name should change, for reasons that are perfectly well known to the Inland Revenue, the Treasury and the Department of Social Security.

Until we are willing to overcome the theology of Government book-keeping, and become as creative as the Bill, we will not help people at the time when they are responsible for children. I am not talking about those on income support, but those in the broad bands who, when they have children, have reduced taxable capacity and increased need. An allowance—preferably cash—is clearly appropriate, but should not be counted as public expenditure.

6.52 pm

Mr. Quentin Davies: This debate, on an important Bill, has been much too short. Once again, that is extremely revealing of the fundamental arrogance with which the new Labour Government treat Parliament. We have had examples of that over and over again; I need not list them, as they are fresh in the minds of hon. Members on both sides of the House.

The debate has been a monumental example of a Government's taking Parliament entirely for granted. My right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) made an extremely powerful speech about precisely that. The Government may think that they can get away with it, and that they can win vote after vote with their enormous majority. That may make them even more self-confident and arrogant, but such pride comes before a fall. The British public will begin to notice that our institutions are subject to extremely frivolous treatment.

The Bill is extraordinary. My right hon. Friend the Member for Bromley and Chislehurst rightly said that it should go into the textbooks as an example of how Parliament is taken for granted. The Bill says that whether or not Parliament subsequently expresses approval, the powers, once accorded to the Government, will remain. In the debate on the last amendment, I asked the Financial Secretary what would happen if the House refused the Bill a Third Reading. Apparently, the powers—and the rights that they confer to spend taxpayers' money—will simply continue. The Government have not answered that question, or told us what they would do in those circumstances. That is simply not good enough.

We have said many times that we are not opposed in principle to the idea of working families tax credit. We therefore will not divide the House, and I do not urge my colleagues to vote against the principle of the paving Bill, because that would be interpreted as a desire to stymie the whole process. We do not want to do that, but we must ensure that if we go down this road, we do it properly. We must plan properly, but the Government have not satisfied us on that. They have rejected the sensible and businesslike approaches in our amendments. We proposed that there should be a proper cash limit, a proper budget, proper controls and a proper time limit. They turned those amendments down, and there is a limit to our patience and indulgence.

We shall keep the matter under review. At least three major shortcomings in the Government's planning for the whole exercise were revealed on Second Reading, and have been revealed again today. Over the next few months, the Government must focus on those, and come up with clear answers. Up to now, we have had no answers on crucial issues.

Let me help the Government by reminding them what the key questions are on which they must do some homework over the next few months, and on which the British public will expect an answer before we consider how to vote in the autumn on Second Reading of the substantive Bill that will follow this. The first question has been put to the Financial Secretary repeatedly, but we have had no answer. What happens in the event of a dispute between partners over the working families tax credit? If the partners cannot agree whether the credit will be received by the partner in work through the tax system—

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Gentleman, but this is a Third Reading debate. It should look back at the terms of the Bill, not look forward to what will happen in future.

Mr. Davies: It is indeed a Third Reading debate, Mr. Deputy Speaker, and we are, indeed, looking back. I am trying to draw conclusions from our debates, which will be extremely important to the substantive Bill to which this paving Bill looks forward. The Bill forces the British taxpayer to spend a lot of money in anticipation of the substantive Bill. It seems reasonable to make it clear that if the taxpayer's money will be spent on preparing for another Bill, the lessons of our discussion should be properly taken on board by the Government. When they next address the House on this subject, they may be a little better prepared than they were on this occasion.

There is another matter on which the Government had better do some rapid homework. There is considerable and growing anxiety about the burden of compliance costs on employers. The administration of the working families tax credit will be borne by employers. I put specific questions on that to the Financial Secretary, who, with her usual charm and parliamentary skill, deflected them all. We have had no answers.

What about the cash flow issue, to which I have already drawn attention? In many cases, under the tax credit, net pay will be greater than gross pay, and employers will pay more to their employees than they have contracted to pay. No doubt they will receive some compensation weeks or—who knows?—months later from the Benefits Agency, but who will pay for that? There has been no answer. It is not good enough for the hon. Lady to use the analogy of statutory sick pay and maternity pay. In most cases, employers do not pay the current pay that they are contracted to pay to employees in that position, but pay the maternity pay and the statutory sick pay instead. There is no cash flow loss in such cases; we want to know what happens when cash flow loss occurs.

[Mr. Davies]

The third general point—to which my hon. Friend the Member for Worthing, West (Mr. Bottomley) referred in his interesting speech—is the way in which this form of expenditure will be classified. Among the promises that the Labour party made to the electorate before the last election—many of which have already been broken—was a promise to reduce social security expenditure as a proportion of gross domestic product. If the Government are going to make progress towards that objective, it must be real progress. It must not be done simply by cooking the books, by falsifying the figures, by reclassifying what is now social security expenditure—the family credit—as something that is regarded as a tax credit, which is, in other words, negative tax and not public expenditure. That will not wash. If the Financial Secretary thinks that she can bamboozle the Opposition, or, indeed the British public, she had better think again.

I draw from today's interesting debates several lessons, in an attempt—my right hon. Friend the Member for Bromley and Chislehurst probably will not like this—to help the Government and to be positive. They may want to be taken seriously in bringing forward a new working families tax credit, but, next time around, in the autumn, we will not be so forgiving. We will expect clear precise answers to these important questions. We will expect the Government to do their homework—they have not done so up to now—and come to Parliament with proper modesty in proposing and explaining their legislative proposals, not the arrogance that we have had from them, with the Government thinking that, because of their enormous majority, they can simply take Parliament and its procedures for granted.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

River Kennet, Wiltshire

Motion made, and Question proposed, That this House do now adjourn.—*[Ms Bridget Prentice.]*

7 pm

Mr. Michael Ancram (Devizes): I should start by saying how grateful I am to Madam Speaker for the chance to raise this serious matter on the Adjournment.

In environmental terms, the River Kennet is one of the jewels in my constituency. It is not only one of the finest trout streams in England; the stretch of river to which this debate refers is a top-quality chalk stream and a site of special scientific interest in an area of outstanding natural beauty. Rising by Avebury with its ancient and awe-inspiring standing stones, it flows along a broad green valley, through the royal borough of Marlborough, by the Roman relics at Mildenhall and the riverside gardens at Ramsbury and past Chilton Foliat into Berkshire, where it finally escapes my representation. Just before Ramsbury, it runs by Axford, where much of the cause of this debate arises.

The Kennet is a special river not only to the angler, but to the conservationist, the environmentalist and, above all, the genuine countryman. It is not a large river, which makes it vulnerable. It is not a fast river, which makes it precarious. It is the epitome of a crystal-clear chalk stream, bringing quality of life to the community through which it passes, habitat for local flora and fauna, and great pleasure to all the people who live near or along its banks.

The River Kennet is under threat—from a changing climate, which has, as we all know, recently produced episodes of drought, from man-made activity along its banks, but, above all, from the abstraction of its precious water to feed developments outwith its catchment area, which are mostly in and around Swindon, to its north.

I have watched the River Kennet at close quarters for some eight years. I have read all the technical data about the river and have tried, along even with experts, fully to interpret those data. It is not easy, especially for the layman. I hear the arguments about levels of flow and their effect on the ecology of the river. I struggle with cost-benefit analyses. My plea tonight, however, is based as much on my instinct as a simple countryman as on any of those matters. To a simple countryman, the fact is that the River Kennet is declining and the main cause for that decline is the amount of water that is abstracted from it both at Axford and further up the river.

It is deeply depressing to see that the River Kennet to the west of Marlborough is, in the summer, effectively a dry and overgrown river bed, and to the east of Axford an unnaturally slow and reduced flow. It is an alarming spectacle when, each year, the extent of those problems appears to increase. It is not only of direct and understandable concern to people who fish or earn their living from fishing on the river; they have a direct and legitimate interest in being concerned. It is also a cause of anxiety to all the people who just value the countryside and the natural environment. However, that depression, that alarm, that concern, that anxiety are seemingly just brushed aside by those who have an interest in abstracting water from the Kennet, and it seems recently, I regret, by the Government as well.

Ironically, anyone who looks at the River Kennet today might wonder at this debate because, after a month of unusually high rainfall, the river is in what is known as

spanking condition. It is looking as it always should look. The sad truth is that this is the exception which proves the rule. Normally these days, a much diminished version is seen. The river's flow has been reduced and that cannot be denied.

Thames Water Utilities Ltd., which abstracts the water, blames river modifications for the changes in flow patterns and droughts for the reduction of flow. I find that a somewhat specious argument as, in the absence or with a reduction of abstraction, those other circumstances would themselves be less significant.

Blaming drought in particular begs the question. If the risk of flooding on a flood plain is measured on a ratio of 100 years as a relevant criterion in considering planning applications for housing, surely the risk of drought measured on a similar ratio and for similar reasons in applications for water abstraction licences should equally apply. That is to say that, unless it is shown to be likely, rather than the exception, it should not be relevant. The real point is rather simpler: without drought, abstraction still reduces the river flow by the amount abstracted and the damage of that reduction still occurs. With drought, that problem is merely compounded.

None of us argues that no water should be abstracted, only that it should be contained within the limits that the river can, without lasting damage, afford. People need water, but so does the environment. It must be a matter of proper balance. It is the lack of that balance that gives rise to such anxiety.

The subject has long been a matter of local concern. I pay tribute to the group Action for the River Kennet, which is known locally and affectionately as ARK, for the way in which it has informed and guided local opinion and ensured that it has been directed constructively. The extent of that local concern has been demonstrated over a long period by substantial attendances at local meetings—not least one three weeks ago. My constituents mind about the Kennet. I mind about the Kennet. We are looking to the Government to mind, too.

Although this concern arises as much in relation to the reduction of water in the aquifers at the head of the river, which is the apparent cause of the river's virtual disappearance to the west of Marlborough in the summer—a matter that also needs to be addressed by the Minister—the most recent concern has been brought to a head by the Government's decision in February in relation to the River Kennet, consequent upon a public inquiry in 1996 into Thames Water's abstraction at Axford.

The inquiry was precipitated by Thames Water's application to make permanent a temporary variation to its abstraction licence, which had been in force for 15 years and which allowed the company to exceed its base licence of 13.1 megalitres per day by a further 7.4 megalitres per day, subject to a minimum flow of 61.4 megalitres per day measured at a particular point. The Environment Agency had sought a progressive minimum flow increase and, most important, a reduction in the base volume. Thames Water appealed against that.

The inquiry was highly technical, hearing evidence on hydrological models of the effect of abstraction on river flow and, consequently, on aquatic flora and fauna. The case against Thames Water, which was led by the Environment Agency, was in summary that low flows were making the river less suitable for water crowfoot and brown trout, two species that are particular indicators of a healthy chalk stream. The argument was that the river was being damaged.

In the event, the inspector recommended against the Environment Agency's proposal for a reduction in the base rate of abstraction and suggested a review of that in 2007. He accepted a first-stage cut-off of 69 megalitres per day, but extended that to 1999. He reduced the agency's proposed second-stage cut-off from 104 megalitres per day to 90 megalitres per day.

In February, the Secretary of State upheld Thames Water's appeal and endorsed the inspector's findings with no further comment. Although that was an improvement for the river on the current position, the result was deeply disappointing considering the circumstantial evidence in support of the Environment Agency's position. However, the lack of explanation of the Government's decision caused the greatest concern; hence today's debate.

People regard the Environment Agency as not only the Government's adviser in matters environmental, but their protective arm. When the Government appear to cast aside that protective arm, that is obviously a matter for consternation and requires, at the very least, substantial explanation. After all, to whom else can people look for environmental support and protection?

That consternation has been further compounded by the apparent conflict of the Government's decision with the Secretary of State's statement at last May's water summit that the forthcoming review into water abstraction

"would examine ways in which environmentally damaging abstractions . . . can be equitably curtailed".

The decision also seems to be at variance with the parliamentary answer from the Minister for the Environment on 25 March 1998, which said:

"Where water abstractions are damaging sites specially protected—

by, among other things—

"designation as SSSIs"—

as is the case here—

"the Environment Agency should seek voluntary agreements for reductions with the abstractors where possible. Where that is not possible, the Environment Agency should use its existing powers . . . to vary or revoke the relevant licences, and be prepared to pay compensation where necessary. As part of their review of the water abstraction licensing system, the Government are considering future compensation arrangements and a consultation paper on those and other proposals will be published within the next few weeks."—[*Official Report*, 25 March 1998; Vol. 309, c. *163*.]

That has certainly not been the outcome of the Government's decision in this case; far from it. I have not read the consultation paper—I am not sure whether it has yet been issued.

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Angela Eagle) *indicated assent.*

Mr. Ancram: The Minister nods—it has been issued. More importantly, the lack of explanation as to why the decision runs so counter to the statements that I have quoted is a genuine cause of resentment and concern. I hope that we will receive some explanation tonight.

First, I hope that we can agree that there is damage to the River Kennet from abstraction. There may be arguments about the extent and effect of such damage, but

[Mr. Ancram]

the acceptance of its existence is an important starting point. At the inquiry, it was generally agreed that the river's flow had been reduced by the Axford abstraction and that over time the diminution in the flow roughly equals the abstraction.

It was also generally accepted that ranunculus growth had declined noticeably around Axford, which also corresponded roughly with the increased abstraction from that point, and that ranunculus growth is a good indicator of a river's health. I therefore hope that we can all accept that there is some damage, and hence some danger, related to abstraction. That falls fairly and squarely within the parliamentary answer to which I have already referred.

Why, then, in their decision, have the Government seemingly ignored that damage in agreeing with the inspector to leave the base rate of abstraction unchanged? Could it be that there was a desire to avoid the question of compensation arising, especially as the formulation of compensation, and where it would come from, has yet formally to be articulated? Did the inspector deliberately avoid the issue of compensation because there was a lack of direction, and if so, should not the Government have re-examined that aspect of the report and, if necessary, made changes to the recommendations in the light of that?

If decisions have not yet been made about the thorny problem of compensation, would it not have been better to hold off the decision—which, after all, had been waiting, without explanation, for over a year—until any new criteria or arrangements could be applied?

Why did the report and, by their endorsement, the Government cast aside the cost-benefit analysis of their own Environment Agency in favour of Thames Water's figures? The decision to reject the agency's basis of calculation created an adverse difference of £12.9 million—between the agency's figure of £13.6 million and Thames Water's figure of £0.7 million—so there can be no doubt that that was a significant deciding factor.

The agency had followed the benefits manual guidance in making its calculation, using the number of people in Thames Water's supply area. The inspector rejected that in favour of using a much smaller local head count. The agency believes that that decision has blown a hole in the wider strategy that it is pursuing on behalf of the Government and will seriously hamper its work on other rivers and wetlands.

We are not talking about a peripheral judgment on methodology. The decision on the cost-benefit analysis strikes at the heart of the environmental argument. It illustrates an enormous variation in the methodology used to calculate what is known as the non-use value, which might more accurately be called the environmental value. By endorsing the lowest basis for calculating the environmental value for the Kennet, the Government are in danger of undermining the importance of the environment in such disputes.

I hope that the Minister will explain why the endorsement was given and whether it reflects the Government's view of how environmental value should be assessed. If it does, we shall have to revise our perception of the Government's environmental policies; if it does not, the validity of the Government's judgment on the Kennet will be seriously called into question. The Government cannot have it both ways. I suspect that no one is more aware of that than the Environment Agency. I hope that the Minister will clarify the Government's position on that important issue.

More generally, is the forthcoming review likely to produce findings that, had they been effective, would have led to a different conclusion on the Kennet? If there is any chance of that, would it not have been fairer and more sensible to have held the Kennet decision until the review was complete? If that proves to be the case, will the issues be reviewable before 2007—the date proposed in the report endorsed by the Government? Anything less than that would lead to great resentment in my constituency. I hope that the Minister will consider my request seriously.

I fear—I am always a pessimist on such occasions—that the Minister will tell the House that nothing can be done until 2007. The river will not survive that long without further deterioration. We need reassurances now. In spite of my fear, I live in hope that they might be forthcoming, if not tonight, then in the near future, when the full implications of the Government's decision on the Kennet, and more widely, have had time to sink in.

The Kennet won a little respite from the outcome of the report, but not as much as had been hoped. If abstraction continues, even at the newly proposed rates, the river will remain in danger. Environmental damage to rivers such as the Kennet is easy to cause, but more difficult—sometimes impossible—to repair.

I read the inspector's report, which the Government endorsed, with a heavy heart. I appreciate that such reports and decisions must be informed by models, methodologies and statistics, but I cannot help feeling that the real criteria are to be found in what the eye can see and what those who live by rivers such as the Kennet feel and experience. Rivers are more than a set of statistics and scientific findings; they are as much a part of our environment as the air that we breathe and the ground on which we walk. We know instinctively when our environment is under threat. In my part of Wiltshire, we know that the Kennet is under threat. We can see that, and physically experience it, as the river dries and the flow reduces.

The Kennet is much more than just a stretch of water, a source of fishing or a pretty sight. It is part of the lives of my constituents; part of the environment in which we live and work; part of the quality of life in my constituency. That is why we fight to defend it. That is why we resent the current levels of abstraction and the half-hearted response to the danger in the inspector's report. That is why we find the report and the Government's acceptance of it, without explanation, so unpalatable. That is why I am seeking explanations and hoping for reassurances. The Kennet needs help. We are looking to the Government to provide it. I hope that the Minister will not disappoint us.

7.18 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Angela Eagle): I congratulate the right hon. Member for Devizes (Mr. Ancram) on successfully securing this debate.

I am aware that there have been concerns about the River Kennet for several years. Indeed, they stretch back to the term of office of the previous Government,

of which the right hon. Gentleman was a member, as well as into this Government. I am grateful for the intense interest in the issue that the right hon. Gentleman and his local community have taken, and for the work of various conservation groups, which not unnaturally guard the Kennet jealously. It is essential that environmental issues such as this are fully aired and that all those with an interest have an opportunity to contribute their views.

The Government are determined that the water industry should be world class, water efficient and environmentally sustainable. That was the message at our water summit just a year ago, which the right hon. Gentleman mentioned, at which my right hon. Friend the Deputy Prime Minister set out a 10-point plan of action to deal with leakage, and challenged water companies to increase efficiency measures so that our water resources were not squandered or put under undue strain, but used sensibly to meet people's needs. We also announced at that summit a review of abstraction licensing, as the right hon. Gentleman has pointed out. We shall announce the results of that review soon. If he wants a copy of the consultation paper, I should be happy to get one for him.

The public inquiry into Thames Water's Axford abstraction licence appeal lasted 22 days. The inspector heard not only from the principal protagonists, Thames Water and the Environment Agency, but from English Nature, the Wiltshire Wildlife Trust, Action for the River Kennet, the Kennet Valley Fishery Association and 15 interested persons. He also took into account written representations from 19 organisations and individuals, of whom the right hon. Gentleman was one.

In the course of his inquiry and his consideration, the inspector had the benefit of numerous written reports and proofs of evidence from the various parties. There can be no doubt that all concerned took a full opportunity to present their cases to him. His report runs to more than 140 pages, and is commendably thorough and clear in its approach. It makes it clear that the upper River Kennet is a valuable example of an English chalk stream, and its associated flora and fauna. Indeed, as the right hon. Gentleman pointed out, from Marlborough to Thatcham, it has been designated a site of special scientific interest.

Much of the concern among local people about flows stemmed from their observation of reduced water depths in the river, although the inspector pointed out that dredging and other work on the river channel and general silt removal may have had some effect on water levels. He also pointed to the effect of weirs and hatches, and of reduced weed growth on river water levels. He recognised that the Axford abstraction had had an effect, but on consideration of flow modelling and other technical information put before him, found that the Axford abstraction could affect the river water levels by only about 3 cm. Although a possible contributory factor, that is certainly not sufficient on its own to explain the changes that have occurred to the plant life and general ecology of the flood plain.

The inspector saw no reason to suppose that there was anything but a normal healthy macro-invertebrate population in the River Kennet, but he found, as the right hon. Gentleman at least hinted, a considerable decline in the growth of ranunculus—the common name for which is water crowfoot—in the entire upper Kennet between Marlborough and Knighton since the early 1980s. That decline seems to have been particularly marked in the Axford and Ramsbury area.

The presence of water crowfoot encourages fish and their food sources. In addition, a good growth of it considerably increases water depth simply by its mass and impedance to the flow of the river. For those reasons, the inspector accepted that the plant was an important indicator and controller of the health of a chalk stream such as the Kennet. He concluded that, in normal winter periods, there was no particular concern about the effect of the Axford abstraction on ranunculus, but he found that changes in river velocity, such as might occur in summer or in exceptional winter conditions, might explain the greater decline in the plant around Axford and Ramsbury.

River dredging deepens the river channel and contributes to reduced velocity. The inspector indicated that changes to such practices, or the carrying out of other in-stream engineering works, might help to maintain river velocity. Interested parties might care to consider that further. If the Environment Agency were to find any serious legal impediment to the maintenance of or alteration to such a course of action, it would no doubt draw that to Ministers' attention.

Water crowfoot could also be affected by increased siltation, increased growth of the blanket weed, cladophora, or by the growth of brown algae, but the inspector found that the Axford abstraction would have no significant effect on any of those processes. Even without the slight reduction in dilution caused by the abstraction, phosphorus concentrations in the river are considerably higher than would be required to limit the growth of blanket weed or algae.

Phosphorus concentrations are influenced by agricultural practices in the catchment and by the Marlborough sewage works discharge. I understand that Thames Water is working with the Environment Agency on a new project to investigate the impact that phosphorus reduction has on the river. That is a good example of co-operation, of which we would like to see more, in tackling environmental problems in rivers. It also exemplifies the holistic approach to river catchment management, which is essential if we are to do the best for the environment and its users. As a nation, we lead integrated catchment management. The proposed water framework directive, on which we are making great strides during our presidency of the European Union, is founded on that approach.

I am aware that the Kennet sustains a varied grouping of fish species. The inspector found that, apart from brown trout and, perhaps, grayling, there is little evidence to suggest that any of the populations of fish have suffered recently. No direct link was shown between the Axford abstraction and the declining size of the grayling population. Furthermore, the inspector considered there to be only limited evidence of a decline in the wild brown trout population in the river, and practically none to indicate that the situation was any worse in Axford and Ramsbury than anywhere else.

The inspector went on to consider the computer modelling work that featured in the inquiry. It rejoices in the acronym, PHABSIM—physical habitat simulation model. It was developed in the United States of America, and has been used in New Zealand and several European countries as well as the UK, where our Institute of Hydrology has concluded that it is a powerful technique. The inspector accepted that, if correctly applied, it could

[Angela Eagle]

help to inform decisions relating to the ecological impact of changes in river flows. The inspector also recognised the complex nature of the work.

Hon. Members will not expect me to launch into a detailed explanation of such work, but, as the inspector pointed out, it was unfortunate that the protagonists were not able to co-operate and reach agreement on how PHABSIM should have been applied in this case. That is clearly one of the lessons to be learned from this episode. I trust that all with an interest in the matter will join me in encouraging scientists to work together to improve the application of such techniques.

Nevertheless, in the light of his detailed consideration of what he was told by the protagonists, the inspector concluded that the PHABSIM work tended to support the view that ranunculus could suffer at flow rates in the order of those associated with the Axford abstraction. He therefore reached the conclusion that abstraction of the full 20.5 megalitres per day, which had been allowed under the previous time-limited variation to Thames Water's licence whenever the river flow at Knighton was above 61.4 megalitres per day, should in future be allowed only when the river flow was above 90 megalitres per day. That is a tightening of abstraction licence conditions.

Moreover, the inspector recommended that the new variation should last only for a further 10 years, rather than in perpetuity, as Thames Water had sought. That should be regarded as a victory. However, from consideration of all the environmental evidence, the inspector concluded that there was no requirement for a reduction in the abstraction rate below that of the base licence, which dates from 1965 and authorises abstraction of 13.1 megalitres per day.

The Secretary of State accepted those conclusions. As I have said, the inspector was presented with a wealth of information pertaining to the fundamental question. That is the purpose of any public local inquiry. After prolonged consideration, the inspector found that the environmental evidence did not fully support the proposed action, and the Secretary of State found no reason to disagree with that view.

Since our decision was announced and the inspector's report was put into the public domain, much has been made of his comments and conclusions on the costs and benefits associated with the reduction of the Axford abstraction to the extent proposed by the Environment Agency. I think that it proposed a level as low as 3 megalitres.

The letter conveying the Secretary of State's decision made no reference to those conclusions, as the decision was taken on the basis of the inspector's conclusions in respect of the environmental evidence. Despite the inspector's stated view that the approach adopted to the assessment of benefits was acceptable in principle, it was clear from his further comments that considerable and unresolved uncertainty and controversy existed over the detailed way in which the approach should be followed in that particular case. That was the lack of agreement that I mentioned earlier.

The approach adopted was that described in a manual published in 1996 as a result of collaborative research funded in part by the former National Rivers Authority and the then Department of the Environment, as well as by a body representative of the water companies, so it is untrue to say that it was simply a creation of Thames Water. The executive summary to that manual made clear the limitations of the methodology, and envisaged that experience in its application would provide a basis for updating it in due course.

Moreover, no matter how well developed general methodologies for assessing environmental costs and benefits become—and it is evident that a considerable amount of development remains to be done—the complex and highly variable nature of individual river systems and of their significance to society will almost certainly make it essential for detailed and specific studies to be carried out in particular cases. I hope that that goes some way towards reassuring the right hon. Gentleman that in future hearings on abstraction licences, there will not suddenly be rule by computer models and manuals that do not apply to specific cases. Even as we speak, officials of my Department are discussing the matter with their counterparts in the Environment Agency.

The appeal also highlighted the fact that many abstraction licences have no time limit attached to them. They remain until revoked or varied and, as the right hon. Gentleman pointed out, if either of those things is done at the direction of the Secretary of State, the question of compensation arises. Compensation arrangements, in both the short and the longer term, and time limits for licences are among the many facets of the present licensing system that we are examining in our review. However, I must emphasise that it is the system that we are now reviewing, not individual licences.

My answer to a question that the right hon. Gentleman asked is that that decision was taken under the existing system, and does not prejudice any future system that we may put into effect after the review is published, should we decide to legislate. We shall publish a consultation paper on our proposals in the next few weeks. As I have already said in the House, where voluntary agreement cannot be reached on licence changes necessary to protect SSSIs, the Environment Agency should, on a prioritised basis, use its existing powers to see that the changes are made.

It is the environmental evidence that is and will remain all-important in carrying through contested changes to licences. There has to be a strong case—a case that, as I have said before in the House, will withstand the scrutiny of public inquiry—to show that a particular course of action is appropriate for correcting whatever environmental harm is being caused.

Clearly, the question of the Axford abstraction can be reopened at any time. I hope that that that gives the right hon. Gentleman the reassurance that he sought. There is certainly no requirement to wait until 2007, but the case for further action must be strong. It is clear that the causes of the perceived problems with the River Kennet are complex. Here, as elsewhere, there is a continuing need for all concerned to work together to understand the causes and to agree on whatever action needs to be taken. I am sure that the right hon. Gentleman will join me in encouraging all concerned about the Kennet to do that, to ensure its future as an important SSSI, as a beautiful feature of his constituency and as a river that many people enjoy.

Question put and agreed to.

Adjourned accordingly at twenty-seven minutes to Eight o'clock.

House of Commons

Monday 18 May 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Satellite Television (Ships)

2. **Mr. Jim Murphy** (Eastwood): If he will make a statement on the availability of satellite television facilities on board Royal Navy ships. [41295]

The Minister for the Armed Forces (Dr. John Reid): While most Royal Navy ships enjoy a publicly funded capability to receive satellite television when alongside, only the carriers are also capable of receiving it at sea. In view of the beneficial effects on morale, I have directed that we should explore the possibility of making such facilities available on all royal naval ships at sea.

Mr. Murphy: I thank my hon. Friend for that answer. He will be aware that, recently, I graduated from the armed forces parliamentary scheme; part of that process involved serving with HMS Newcastle. I was struck by the impact of satellite television on the morale of the men on HMS Newcastle, so I was very pleased to hear my hon. Friend's comment today. Will he keep me, and the other people who are involved in the armed forces parliamentary scheme, informed of the detail of the negotiations, so that we can improve the morale of men and women serving on our ships? Many of them go to sea for six months or more and return to a very changed world. The lack of connection, day by day, to satellite television has a detrimental effect.

Dr. Reid: I congratulate my hon. Friend on achieving his fellowship of the armed forces parliamentary scheme—a scheme that I thoroughly recommend to all hon. Members. Places are now open for next year.

I believe that access to satellite television on Royal Naval ships would have a tremendous effect on morale. The subject has been raised with me, not only by my hon. Friend, but by several ratings during a recent visit to Fearless. It is too early to assess whether it is feasible to provide such facilities, but I hope that, if it is, it will be seen as a welcome boost for morale from a Government who truly care about the welfare of our service personnel.

Mr. John Wilkinson (Ruislip-Northwood): I do not dispute in any sense the potential benefit to morale of satellite television, but would not morale on Her Majesty's ships be best encouraged by ensuring that those vessels have a full capability to fight and win? In that context, can the Minister tell us whether real progress has been made in getting the anti-air weapon system for the horizon 2000 common new generation frigates into service at the time expected and to specification?

Dr. Reid: I thank the hon. Gentleman for his comments. I believe that it would be of tremendous value to morale on Her Majesty's ships and throughout the armed forces if we managed to remedy the dreadful shortfall in all three services that we were left by the previous Government. He can be assured that that is a top priority for me, and if we can get full manning on ships as well as satellite television, that would be a bonus. Discussions on the equipment for the horizon 2000 common new generation frigate project are continuing, and the hon. Gentleman can be sure that we shall proceed with them as speedily as is in our power.

Mr. Lindsay Hoyle (Chorley): Does my hon. Friend agree that morale was truly lifted with the change of Government? I believe that that has been the main boost to the armed forces.

Dr. Reid: I can give my shortest answer today: yes on both counts.

Sir George Young (North-West Hampshire): Are satellite television facilities available on board HMS Cornwall, and might an analysis of their use shed light on its role? Why has the Secretary of State not answered my question, tabled a week ago, about the role of HMS Cornwall? Was not the Prime Minister wrong to imply that, somehow, HMS Cornwall was responsible for the favourable outcome in Sierra Leone?

Dr. Reid: It is perhaps just as well that satellite television is not available, because if it were, I am sure that the crew would be more than upset by the aspersions that are sometimes cast on their activities—although not by my party. HMS Cornwall was deployed to Sierra Leone after the junta had been ousted to provide humanitarian assistance for the people, to support diplomatic efforts there, and to assist the return of the British high commissioner.

HMS Cornwall did a fantastic job in Sierra Leone; she helped to save countless lives, and the country should be proud of what she achieved. Her helicopter transport lifted 10 tonnes of food, 3.5 tonnes of medical stores and 1 tonne of general stores. The crew helped to repair and reopen the children's hospital and school, and the port in Freetown. We should all be grateful for and proud of what HMS Cornwall did.

Defence Diversification

3. **Mr. Syd Rapson** (Portsmouth, North): When the consultation period on the Government's Green Paper on defence diversification ends. [41296]

The Parliamentary Under-Secretary of State for Defence (Mr. John Spellar): The consultation period on our Green Paper on defence diversification ended on 8 May, and we are now considering the comments received.

Mr. Rapson: I thank my hon. Friend for that comprehensive reply. Is he aware that the Green Paper has been widely welcomed by the business community in Hampshire, and especially by my constituents in Portsmouth? Lockheed Martin, which has substantial interests in the Astor and Merlin military programmes, is particularly interested in developments. What will the next stage of the process be? What can I tell my constituents about how the ideas in the Green Paper will evolve?

Mr. Spellar: I congratulate my hon. Friend on being an excellent spokesman for the defence industry and the armed forces in his area; and on the considerable period that he worked for the Ministry of Defence there. Like him, we have been pleased by the responses to the Green Paper; we are considering them at the moment, and consulting other Government Departments. We need to take into account the outcome of the strategic defence review, and I hope that we shall be able to make an announcement on diversification before the summer recess.

Staffordshire Regiment

4. **Mr. Michael Fabricant** (Lichfield): If he will make a statement concerning the continuing role of the 3 battalion of the Staffordshire Regiment. [41297]

The Minister for the Armed Forces (Dr. John Reid): The third battalion of the Staffordshire Regiment is currently allocated to a national defence role. The future role of all arms and services within the Territorial Army will be decided as part of the strategic defence review. It is too early to say how individual units may be affected by the outcome of the review.

Mr. Fabricant: Although a number of people will realise that the strategic defence review is not yet completed, does the hon. Gentleman accept that the third battalion of the Staffordshire regiment, a Territorial Army battalion and regiment, is suffering from morale that is not as high as it ought to be? He will know that it is one of the few county regiments left in the country. Can he offer the battalion any encouragement by saying that it will not be disbanded or greatly reduced in size?

Dr. Reid: The Government want to make the future of the TA as valuable to this country as its past has been. We firmly believe that the way in which to do that is to make the TA relevant and usable, ready and available, and integrated with the other defence forces. Those principles will guide our approach to the Territorial Army, and to all the other services, regular and reserve.

Ms Rachel Squire (Dunfermline, West): As the possibility of a massive Russian land invasion of western Europe and the United Kingdom now seems remote, is it not only right that the strategic defence review should reconsider the role of the battalion mentioned by the hon. Member for Lichfield (Mr. Fabricant), and of the other regular and reserve forces? Does the Minister further agree, given the outstanding commitment and ability of many of our reserve forces in the TA, the maritime volunteer service and elsewhere, that they should be given an enhanced role under the SDR? Might that not be achieved by the formation of smaller, specialist units which could offer the logistical, technical and medical support that is much needed by our regular forces?

Dr. Reid: I agree with the sentiments expressed by my hon. Friend and with her specific points. Those who seek to cast the Territorial Army in stone in the form in which it was created to face the threat during the cold war do it no service. That is the way in which to create a Territorial Army that is irrelevant to future threats. The Government seek to make the Territorial Army more usable, relevant and integrated, and to make sure that its future is as glorious as its past service to the country.

Mr. Menzies Campbell (North-East Fife): Does the Minister acknowledge that in the Territorial Army, there is a considerable crisis of morale, not least because of reports suggesting that its numbers may be reduced to as few as 40,000? In the light of the problems of recruitment and hence of undermanning, will the proposals in the strategic defence review take account of the contribution made by Territorial Army soldiers to operations such as Bosnia? Is the Minister aware, for example, that 11 soldiers of the Scottish Yeomanry are deploying on 27 May to the Light Dragoons in Bosnia in order to make up the numbers? Does not that emphasise the importance of the Territorials as a ready reserve to ensure that units conducting such operations are fully manned?

Dr. Reid: The hon. and learned Gentleman points out that the Territorial Army has been used to plug gaps in the Regular Army because of the deficiency in numbers there that we inherited. I am pleased to pay tribute to that. However, it would do no service to the Territorial Army to make its future success depend on the previous Government's failure to recruit to the Regular Army. We want to make sure that the Territorial Army is free standing, yet integrated. We believe that we can create a modern, relevant and usable Territorial Army. That will be a much better safeguard of its future than merely regarding it as being on the substitutes' bench for those who are not present in the Regular Army.

London District Rifle Association

5. **Mr. Julian Brazier** (Canterbury): If he will list the Regular and Territorial units in the London District Rifle Association meeting in April by order of their team totals, starting with the winner. [41298]

The Minister for the Armed Forces (Dr. John Reid): I have placed in the Library of the House a list of the Regular and Territorial Army units in the London District Rifle Association meeting in April, by order of their team totals. I offer my congratulations to the London Regiment 5th, which carried the day with a team total of 3,637 points.

Mr. Brazier: Can the Minister confirm that the three Territorial Army infantry battalions easily outshot their

six regular counterparts? In the same week, an American National Guard armoured battalion easily defeated its regular counterparts in a tough trial in the Nevada desert. Is it not time that we recognised that the best and most cost-effective role for reservists is in combat?

Dr. Reid: I confirm what the hon. Gentleman says. From memory, I think that four out of the first five teams were Territorial Army units, which proves what all of us know: that we have some extremely high-quality people in the Territorial Army. That is all the more reason to make sure that the role that we shape for those high-quality people is not one that died with the cold war, but one that is relevant and usable in future exercises and operations, and can meet any future threat that we may face.

Army Barracks

6. **Mr. Desmond Swayne** (New Forest, West): What spare capacity there is within Army barracks. [41299]

The Parliamentary Under-Secretary of State for Defence (Mr. John Spellar): An overall estimate of the spare capacity in Army barracks could be provided only at disproportionate cost. Where spare capacity exists, we seek to reduce it wherever possible.

Mr. Swayne: In my experience, there is little spare capacity. Does the Minister therefore agree that the British Army of the Rhine is better left where it is?

Mr. Spellar: The hon. Gentleman knows that the location of forces is considered in the strategic defence review. That is under consideration by the Cabinet, and the outcome will be announced in a White Paper in due course.

Sir George Young (North-West Hampshire): Does not the exchange on this question and earlier ones underline the need to complete the strategic defence review as soon as possible? The Secretary of State sent it off to his colleagues at the end of March. If it is not Treasury-driven, as we are repeatedly assured, what is holding up publication, and when shall we see it?

Mr. Spellar: As the right hon. Gentleman knows from his own experience, those matters are being considered fully in the round. The strategic defence review is foreign-policy-driven: it is not driven by incremental salami slicing, like the previous Government's so-called reviews. The matters are being considered properly. It is not the back-of-an-envelope stuff designed to justify cuts that we saw from the previous Government.

Defence Medical Services

7. **Laura Moffatt** (Crawley): If he will make a statement on the current state of the defence medical services. [41300]

The Secretary of State for Defence (Mr. George Robertson): We are concerned about shortfalls in manpower and operational medical equipment, which were inherited from the previous Government. We are addressing that as a matter of urgency and will announce our proposals to remedy the situation as part of the strategic defence review.

Laura Moffatt: Does the Secretary of State remember the Defence Committee report on defence medical services that outlined clearly how the services felt downgraded? The Committee found that services were deteriorating, that morale was very low—which we saw clearly for ourselves on an earlier visit to Bosnia—and that people were looking to the new Labour Government to do something about that. Will the Secretary of State give proper recognition to that report through the strategic defence review?

Mr. Robertson: Yes, we will. My hon. Friend, who is not only a member of the current Defence Committee but a nurse, knows precisely the damage that can be done to morale in areas such as defence medical services. The report to which she referred, which was produced unanimously by a Tory-dominated Select Committee in the previous Parliament, states:

> "We conclude that the staff shortages in the Defence Medical Services are so serious that it is not clear whether it will recover. It is possible that the military ethos of medicine in the regular armed forces has been destroyed. It seems incredible that the scaling down of the Defence Medical Services has been effected by MOD in such a manner as to allow a major and potentially critical staff shortage to develop."

The new Government have made it a principle priority of the Ministry of Defence to get to grips with the dilemma that was left to us. I am absolutely committed to ensuring that, if we send troops into battle, they will have proper medical back-up.

Mr. Nicholas Soames (Mid-Sussex): I wish the right hon. Gentleman and his colleagues every success in tackling the extremely difficult problem of maintaining properly trained staff in the defence medical services who are capable of dealing with battle casualties, as well as fulfilling their primary role of looking after the troops in peace time. Does the Secretary of State agree that it is extremely important that health service trusts are prepared to release for military operations their highly trained and skilled nursing staff who are also members of the Territorial Army? Has he made representations to his right hon. Friend the Secretary of State for Health to assess whether the system is working well?

Mr. Robertson: I assure the hon. Gentleman, who had responsibility in this area under the previous Government, that that is precisely what we are doing. The defence medical services cannot survive or thrive without active co-operation from the national health service. We are not seeking to duplicate the national health service, but there are specific needs in the defence field that cannot be met by the NHS. Therefore, the exercise that we are conducting as a key priority of the strategic defence review will ascertain how best current health service resources can be mobilised in times of conflict to ensure that our fundamental obligation as a Ministry, a Government and a Parliament is to those whom we might send into the field. The risk to their health and life should be of paramount importance.

Mr. Gareth R. Thomas (Harrow, West): Is my right hon. Friend aware of another reference to defence medical

services in the Defence Committee report that he mentioned? The report said that defence medical services were in such a state that

"A choice would have to be made between sending troops without proper medical support or only sending the limited number of troops who could be supported."

Will he join me in condemning the Conservative party for failing to deal with the situation in our defence medical services, and will he promise urgent action to tackle that problem?

Mr. Robertson: I can do both. I am not content with simply condemning the previous Government—frankly, most of their members have been forgotten, although their legacy lingers on. They paid a heavy price for some of the calamitous decisions that they took, especially in areas such as defence medical services. We must get to grips with that problem because we shall be judged on it. I am determined that the Government will be judged as putting the priority of looking after battle casualties above practically every other priority in the defence field. I am confident that we shall be able to do that.

War Crimes (Former Yugoslavia)

9. **Mr. John Heppell** (Nottingham, East): What progress has been made by British forces in detaining persons indicted for war crimes in the former Yugoslavia since 1 May 1997. [41302]

The Secretary of State for Defence (Mr. George Robertson): Since 1 May 1997, seven people indicted for war crimes have been detained in Bosnia by the stabilisation force. Six of these detentions took place in the British-commanded sector and involved British forces, either directly or in support. A further 15 indictees have surrendered voluntarily to the international criminal tribunal in The Hague.

Mr. Heppell: Will my right hon. Friend join me in applauding the efforts of our forces in Bosnia? I am sure that that sentiment is shared by right hon. and hon. Members on both sides of the House. Does my right hon. Friend agree that it is necessary to continue to bring the guilty men to justice? Without justice, there is no chance of reconciliation and peace in Bosnia.

Mr. Robertson: My hon. Friend is right. I congratulate those whose courage and dedication have led to the capture of those whom I have spoken about. The reality of the tragic country of Bosnia is that bringing those who have been indicted for war crimes to justice is not easy. The process is not simple and it involves huge risks, as the exercise at Prijedor last July amply proved. However, as my hon. Friend rightly says, there will not be a proper or lasting peace in the former Yugoslavia unless those who were responsible for the most heinous crimes in that part of the world in the past decade are eventually brought to The Hague to face justice.

Mr. Martin Bell (Tatton): Will the Secretary of State give the House an assurance that all relevant information gathered in this country over the past six years, including information from radio intercepts, will be made available as required to the war crimes tribunal in The Hague, and that nothing will be held back?

Mr. Robertson: We co-operate fully with the international criminal tribunal on the former Yugoslavia at The Hague. We shall give it all the assistance that we can in future. Indeed, my right hon. and learned Friend the Attorney-General visited The Hague earlier this month to open a new court room, which has been funded by the British Government.

During one of the first Question Times in which I participated, having taken up the office of Secretary of State for Defence, I made it clear that one of the Government's commitments was to bring to justice those who had been indicted of these horrifying and almost unbelievable crimes. The fact that six detentions have taken place in the British-led sector is an indication that, when I announced our resolve, we had every intention of carrying it out. We have been shown to have done so.

Mr. Geoffrey Clifton-Brown (Cotswold): Does the Secretary of State agree that the ultimate aim in Bosnia must be to establish stable institutions that are based on democracy and the rule of law? Does the right hon. Gentleman also agree that to achieve that, it is essential that the people who have committed such dreadful crimes against humanity are rounded up and brought properly to trial, and if found guilty, are sentenced? It should be a fundamental aim of the stabilisation force and its successor force to achieve that.

Mr. Robertson: The hon. Gentleman is right, and that is precisely what we are doing. However, I underline the risks, problems and dangers that are involved. From a long way away—in circumstances that are a million miles from the sort of environment in which our troops operate—it is simple to say that we should bring the war criminals to justice. Within the mandate that has been laid down, British troops operating with the stabilisation force have done the dangerous job that the world community expects of them. I think that everyone recognises now that we are trying to fulfil that obligation.

I have read some of the indictments relating to some of those who have been apprehended by British troops. They are horrifying; they are stomach-turning. Indeed, some of them would be classified as pornography in their present form. That is a sign of how necessary it is for that part of the world and others to ensure that those responsible are brought to justice as quickly as possible.

Aldershot Garrison

10. **Mr. Gerald Howarth** (Aldershot): If he will make a statement on the future of the Aldershot garrison. [41303]

The Minister for the Armed Forces (Dr. John Reid): The strategic defence review has examined all aspects of defence. No final decisions have been taken, and although I cannot speculate about the outcome, I can assure the hon. Member that there will continue to be a significant Army presence in Aldershot.

Mr. Howarth: I am grateful to the Minister for part of that reply. As he is aware, the delay in bringing forth the strategic defence review is causing great concern in Aldershot, not just among military personnel, who do not know whether they will have to move—I hope that the Parachute Regiment will stay—but in the town, where there are deprivation problems. I hope that the Minister will complete the review as quickly as possible so that all

the uncertainty can be limited. Can he assure me that, once the review is finished, Aldershot will still be able to claim to be the home of the British Army?

Dr. Reid: As regards the timing, it is better to get these matters right than to rush. At least some of the problems that we face are caused by the mess made in a number of areas by the Treasury-led reviews which were driven through under the previous Government.

I am pleased to assure the hon. Gentleman that there will continue to be a significant presence at Aldershot. We intend to ensure that all elements of the armed forces are usable, relevant and tied in to operations in the future, which is what we seek for the Parachute Regiment. The hon. Gentleman will know that HQ 4 Division and HQ 5 Airborne Brigade, as well as many other units, are based in Aldershot, and he can be assured that there will be a continuing Army presence for him and his constituents.

Mr. Robert Key (Salisbury): We understand the Minister's embarrassment at being unable to answer the question put by my hon. Friend the Member for Aldershot (Mr. Howarth). The House is getting pretty fed up with non-answers to questions. The Minister has been unable to answer more than half the questions on the Order Paper this afternoon and has referred instead to the outcome of the defence review. It simply is not good enough. It is affecting this country's entire military credibility, the defence export industries, and the health, economy, housing and local plans of Aldershot and many other garrison towns.

We expect shortly to hear that the review is complete, but will the Minister please answer some of the questions? In particular, will he answer my hon. Friend's question on Aldershot, not by blaming the previous Government and saying that we must wait a few more months, but by telling us exactly where the defence review is now?

Dr. Reid: I am not in the least embarrassed. If the hon. Gentleman wants to talk about what the House is fed up with, he should know that it is fed up with the continual vacuous and banal statements by the Opposition. After 10 months' debate, which has involved all three services and ranged from the screws that we put on small battleships to the deployment of aircraft carriers and vast jets, and force planning assumptions, all that we have had from the Opposition is three debates on the Territorial Army because they think that there is cheap popularity in them. We would welcome a contribution from the Opposition.

I have already made it clear that there will be a continuing substantial Army presence in Aldershot. As regards the paras, we will continue to do what we have been doing with all other elements of our forces—ensure that they are relevant and usable in the future, in the course of our foreign-policy-led review.

New Deal

12. **Mr. Brian Jenkins** (Tamworth): What contribution his Department is making to the Government's new deal initiative. [41305]

14. **Mr. Lawrie Quinn** (Scarborough and Whitby): What contribution his Department is making to the Government's new deal initiative. [41309]

The Secretary of State for Defence (Mr. George Robertson): My Department is committed to and is continuing to play a full part in contributing to the new deal. The armed forces are working closely with the new deal personal advisers and the further education colleges to identify, at the gateway stage, what self-development is required to make young people more confident and self-reliant. We are also committed to offering new deal opportunities whenever civilian recruitment campaigns are run.

Mr. Jenkins: I thank my right hon. Friend for that full answer. Will he point out the many opportunities available to our young people in the services and also give me, the House, young people and, more important, our armed forces, an assurance that every young person allocated a place in the scheme will be a volunteer and that no force whatever will be used? Will he oppose the suggestion in one of the Sunday papers that the scheme is a back-door way to national service?

Mr. Robertson: I can give my hon. Friend an absolute assurance that the armed forces are and will remain volunteer organisations. There is no question of utilising the new deal as a method of press-ganging people into the armed forces.

The three armed forces offer worthwhile, satisfying and profoundly rewarding careers for young people. If I had been answering Question No.1, I should have pointed out that we have turned a corner in the recruiting position in the British Army and are at last making inroads into the shortfall. My hon. Friend the Minister for the Armed Forces, who is in the lead on the matter, has done a superb job in the past 12 months. Young people are coming to our armed forces and we hope that, through the brief taster experiences under the new deal, which is opening new vistas for thousands of young people who for 18 years were denied hope or vision for the future, their eyes will be opened to the possibilities of a good career serving their country.

Mr. Quinn: Will my right hon. Friend please say whether suppliers and contractors who support our armed forces and his Department have proposals to help with the new deal and to encourage young people to get into the broader side of the defence industry?

Mr. Robertson: We always hope that Ministry of Defence suppliers will be among those involved in best practice in every field. We shall encourage those in the defence industry to participate in what is an enriching experience, not only for young people, but for companies and for the country. Many people forget that the defence industry employs 440,000 people at the cutting edge of technology and of success for the nation. Companies that are so successful should clearly recognise the benefits of getting young people through their doors by way of the new deal.

Mr. Crispin Blunt (Reigate): May I press on the Secretary of State the fact that the armed forces would be able to take part in the new deal initiative with a great deal more certainty if they had the results of the strategic defence review to hand? The Ministry of Defence's proposals on, for example, elements such as the Royal Armoured Corps are an open secret among its members,

as is virtually the rest of the package that has gone forward to the Government. As the Treasury was involved in the teams that were assessing the MOD's strategic defence review inside the MOD when it was going on, what is the delay? Members of the armed forces have every reason to suspect that the package will be unpicked by the Treasury. He will understand that, if it is unpicked in one degree, the whole package will begin to fall apart.

Mr. Robertson: The hon. Gentleman was inside the MOD acting as an adviser to Ministers and, by gosh, saw precisely what was happening in there. There were not Treasury people inside the MOD; there were MOD people inside the Treasury and they were being told how much to cut. We are carrying out a policy-led review based on the strategic interests of this country. Whatever the hon. Gentleman thinks he has seen in the leaks, I can assure him that he has not seen the definitive outcome of the report. When he does, he will see something that is radical and sensible and designed to do what the Conservative Government never had the courage or guts to do: look at the future, not the past, and reconfigure our forces radically. When the Government are ready to announce the report, it and the White Paper will be issued.

Mr. Andrew Robathan (Blaby): Does the Secretary of State agree that the purpose of the armed forces is the defence of the realm, and that they have been doing a good job of that in the recent past? While we all wish the recruiting initiative through new deal well, will he ensure that standards are maintained so that the armed forces do not suffer as a result of having to take poor quality recruits to make the new deal successful? Did he see the report in yesterday's newspapers that the paras, for one, are dropping their standards so that they can up their recruiting figures, the result of which is a reduction in effectiveness?

Mr. Robertson: I saw the report and I thought that it was utter nonsense. It was an insult to the fine people in that regiment, who do not deserve such glib anecdotes being thrown at them. Even if it were true, it could hardly reflect the experience of simply one 12-month period. The attack, if that is what it was, is not just on the Government but on the previous Minister for the Armed Forces. I do not think that such an accusation would stick on the Government or on the Opposition. The professionalism of the armed forces will be maintained, although we may find other ways to get there.

Speaking of standards, today's *Evening Standard* contains an article by Mr. Christopher Hudson. It states:

"the reality is quite different. The British Army remains the single most universally admired of all British institutions. It possesses a worldwide reputation for discipline and professionalism. From the Falklands War to their peacekeeping role in Bosnia, our armed services have acquitted themselves with distinction."

That is absolutely right, although Mr. Hudson may have other prescriptions with which I do not agree. We will maintain it as it is.

Mr. Tam Dalyell (Linlithgow): New deal or not, does it help young men to join the armed forces when they reflect on how Guardsman Fisher and Guardsman Wright have been treated?

Mr. Robertson: My hon. Friend the Minister for the Armed Forces met representatives of the campaign for the two guardsmen whom my hon. Friend mentions and has mentioned in the past. The matter is not for the Ministry of Defence; the decision is in the hands of my right hon. Friend the Secretary of State for Northern Ireland. I know that she is well aware of the sentiments in the country, and my hon. Friend the Minister for the Armed Forces will apprise her of his meeting last week. It is for her to make the decision within the long-established framework.

Dr. Julian Lewis (New Forest, East): Before the Secretary of State gets too carried away with the overblown hoo-hah of his own rhetoric, will he reflect on the fact that the person who criticised the falling standards for recruitment to the Parachute Regiment was the head of the regiment's recruiting team? As newspaper articles have been quoted, let us see how the Secretary of State responds to what that man said. He said:

"nearly half the soldiers now accepted into the Parachute Regiment, which prides itself on fitness, would have been failed five years ago.

"The Army, facing a shortage of 5,000 recruits, was letting people slip through the net 'just to make up the numbers'".

Is the Secretary of State proud of a development that drives the head of a recruiting team to resign from the Army to spread that message?

Mr. Robertson: No, and I do not accept what he says. It is not borne out by the facts and it is an insult to those who serve in the regiment. I repeat that, even if it were true, the change could not simply have taken place over the past 12 months. Neither the previous Government, and certainly not this one, would lower the standards for those who are expected to serve and fight in Her Majesty's armed forces. Professionalism will be maintained, and that is recognised wherever our soldiers, sailors and air men and women are in the field of conflict. I have seen them in Bosnia, on HMS Invincible and on RAF stations in this country and abroad. Those people are among the finest and fittest in armed forces in any part of the world, and that standard will be maintained.

Territorial Army

13. **Mr. Barry Sheerman** (Huddersfield): What plans he has for the modernisation of the Territorial Army. [41308]

The Minister for the Armed Forces (Dr. John Reid): The strategic defence review has examined all aspects of our armed forces, including the Territorial Army. Although no final decisions have been taken, I assure the House that we will continue to need a Territorial Army that is structured for all the roles that we can plausibly foresee. Our aim is a Territorial Army that is relevant and capable, ready to serve Britain and able to meet the tasks that we set it.

Mr. Sheerman: Is my hon. Friend aware that there is widespread support for the strategic review, because what was wanted was a careful, not rushed, appraisal of this country's real needs into the next century and that is what the Government are doing? Does he further agree that the way in which the Territorial Army will survive is by being modernised for that new role? It is not a pre-cold war or cold war situation, but a new situation, with the British Army and British armed forces taking on a different

strategic role. Does he also agree that part of that role involves the training of competent young men and women?

Dr. Reid: Yes. We said that the strategic defence review would be foreign-policy-led, and it has been. We said that the service chiefs would be involved from day one and they have been. We said that every element of our forces would be subjected to scrutiny in the light of the new security context and they have been—every element, every force, regular and reserve, has been subjected to scrutiny. When the subject of the Territorial Army comes up, we should remember that it is the only section of the Army that has the freedom to express its views publicly and to lobby publicly. Although that does not in any way diminish our respect for it, we should remember that exactly the same level of scrutiny has been applied to the regular Army, to the Navy and to the Air Force. The purpose behind that scrutiny is to ensure that all services, regular and reserve, are usable, relevant and modern in the context of our security analysis.

Mr. Keith Simpson (Mid-Norfolk): Following the logic of the answer to the question on the modernisation of the Territorial Army, and the logic of the answers to other questions, I find that Ministers have placed great emphasis on the fact that this is a foreign-policy-led defence review. Will the Minister now finally publish what that foreign policy baseline is, or perhaps it has been lost, like so many other things to do with the Foreign Office?

Dr. Reid: The only thing that has been lost is the establishment figure for the armed forces, which occurred under the previous Government: between 5,500 and 7,500 soldiers in the Army were lost. That has been the inheritance of this Government. Our task is to turn that around, to stop the increase in the shortfall and to begin to get the Army, in particular, back to the level that it should have been for many years. On the foreign-policy baseline, the hon. Gentleman knows that that has been outlined time and again, not least by my right hon. Friend the Secretary of State, in speeches, interviews and articles.

Bosnia

15. **Mr. Russell Brown** (Dumfries): How many British troops are currently stationed in Bosnia as part of NATO's multinational stabilisation force. [41310]

The Secretary of State for Defence (Mr. George Robertson): Some 5,200 UK troops are currently serving in former Yugoslavia as part of the NATO-led stabilisation force. Around 3,700 are based in Bosnia, with a further 1,500 serving in Croatia. Those figures exclude routine short-term fluctuations in numbers as units arrive and depart from theatre.

Mr. Brown: I thank the Secretary of State for that information. Does he agree that it is vital that we retain our troops in Bosnia for a period beyond the middle of this year, so that we do not return to the sort of bloodshed that pre-dated the Dayton peace agreement?

Mr. Robertson: Yes. The UK intends to continue to play its part in any NATO-led force after the expiry of the existing SFOR mandate in 1998. However, we must expect and hope that Bosnia and the Bosnians will take a greater role in determining their future. We do not want a dependency culture to be created on the back of international troops in that area. There have been some failures throughout this period, but NATO has had some enormous successes as well, both in stopping the fighting and creating the conditions for peace and in ensuring that civic institutions with a sustainable future are, out of the ashes, beginning to be created.

Mr. David Tredinnick (Bosworth): Could the Secretary of State give some indication of the number of Territorials serving in Bosnia? If the Territorials, such as the five Leicestershire units that may be under threat, are cut, will he not have fewer reserves to draw on, when there is increasing crisis in the Army? Is that not a germane reason for thinking carefully about this proposed cut in Territorials?

Mr. Robertson: Over 2,000 Territorial Army personnel and other reserves have served in Bosnia. At times, about 10 per cent. of troops in that area are from our reserves. I pay strong tribute to what they have done.

We have no intention of destroying or undermining the Territorial Army or any of the reserve forces. We want to strengthen them; we want to give them a greater and more relevant role; we want to modernise them; and we want to ensure that they are useful. Those who have served in Bosnia have been an outstanding success and a great credit to this country. It is upon their experience and many other experiences that we are basing the conclusions that will appear in the defence review.

Heavy Lift Capability

16. **Mr. David Kidney** (Stafford): If he will make a statement on Britain's current military heavy lift capability. [41311]

The Minister for the Armed Forces (Dr. John Reid): Our strategic lift requirement, in terms both of airlift and sealift, has been scrutinised closely in the strategic defence review. Of course, that scrutiny has been informed by my Department's assessment of the adequacy of our currently available assets.

Mr. Kidney: I thank my hon. Friend for that answer. Does he agree that there has been inadequate investment in heavy lift capability in the past and that there is therefore a need for early investment? Although RAF Stafford does not have a runway, would not such an investment lead to an all-round improvement in what is already an excellent logistical support service by the RAF?

Dr. Reid: My hon. Friend is right to say that past investment has been inadequate. Investment is now more important than ever because we live in an even more volatile and less predictable world, where power projection and our ability to react quickly and reach throughout the world are more important than ever. In short, we can no longer expect—as we could during the cold war in central Germany—the crisis to come to us. More and more often, we have to go to the crisis.

Therefore, there is an even greater premium on the capacity to lift our forces and the weaponry that they need, whether by sea or by air.

HOUSE OF COMMONS

The President of the Council was asked—

Threatened Plants

33. **Mr. Tam Dalyell** (Linlithgow): If she will set up a Select Committee to consider Her Majesty's Government's response to the publication of the International Union for Conservation of Nature and Natural Resources red list on threatened plants compiled by the World Conservation Monitoring Centre. [41329]

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): I believe that this subject could come within the terms of reference of the Select Committee on the Environment, Transport and Regional Affairs, and also, possibly, the Environmental Audit Committee. I see no need for a separate Committee on the issue.

Mr. Dalyell: Is there not at least a respectable case for a Select Committee, as at least six Departments are involved in the response to the red list? Apart from anything we may say about these botanical treasure houses becoming extinct, will my right hon. Friend comment on the study, which I have drawn to the Department's attention, by Meilleur and Phillips, which cites a figure of £9 billion, even on a commercial basis? Is there not a case for a co-ordinated response by Government, and quickly?

Mrs. Taylor: My hon. Friend did draw my attention to that research. It is important that we should safeguard plant species threatened by extinction, and the United Kingdom fully contributes to its financial obligations under a number of international agreements that promote co-operation in safeguarding plants at risk of extinction. Steps have been taken to ensure that there is co-operation between Departments and that we are fully supportive of their efforts.

Mr. Nicholas Soames (Mid-Sussex): I warmly endorse the point made by the hon. Member for Linlithgow (Mr. Dalyell). Is the right hon. Lady aware that Kew and Wakehurst place—which have outstanding assets and a quality of expertise of worldwide fame—are in an exceptionally good position to play a fundamental role in the co-ordination of Government policy? The hon. Gentleman made a key point—there are too many Departments involved in trying to pull together a very disparate subject.

Mrs. Taylor: I agree that there is a great deal of expertise in this country, but I do not accept the hon. Gentleman's criticism and his comment about the need for further co-operation. Steps have already been taken to ensure that there is co-operation between Departments. Ministers and officials want to work with the experts to whom the hon. Gentleman referred.

Select Committees

35. **Mr. Barry Sheerman** (Huddersfield): What plans she has to extend the Select Committee system. [41332]

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): It is less than a year since the Select Committee system was last extended. I therefore have no immediate plans to make further changes.

Mr. Sheerman: I know that my hon. Friend will agree that the Select Committee system is at the very heart of our traditional role of checking the Executive. Will she encourage recently mooted developments in which Select Committees assess and give marks—even out of 10—for departmental performance? Will she also give counsel to some Select Committees—who would perhaps be better off studying some of the newer management techniques to improve their performance, rather than thinking that they had to travel around the world to discover such techniques?

Mrs. Taylor: I agree with my hon. Friend that the Select Committees' role is a very important one. I am sure that new and experienced hon. Members alike will agree with that statement and think that the work that they do on Select Committees is extremely important. As for suggesting to Select Committees the precise inquiries that they should undertake, or whether and how they should assess departmental performance, I know that Select Committees guard their freedoms and individual rights very jealously. They might not welcome advice from myself or from others on how they should conduct themselves.

Mrs. Gillian Shephard (South-West Norfolk): I am certainly in favour of using the Select Committee system in the most effective way possible. However, does the right hon. Lady not agree that, in her Government's increasingly farcical handling of the arms to Sierra Leone affair, it was hardly a contribution to the effectiveness of Select Committees that, last week, during Business Questions, she should have referred to correspondence directed to the Chairman of the Foreign Affairs Select Committee that the House had not seen, but which—I need hardly add with this Government—the BBC had?

Mrs. Taylor: I made it clear that the letter was addressed to the Chairman of the Select Committee. As I had been asked by Opposition Members for the latest information on the issue, I thought it incumbent upon me to give them the latest information.

Inter-parliamentary Contacts

36. **Mr. Denis MacShane** (Rotherham): If she will facilitate contacts between hon. Members and Members of the Parliaments of other EU nation states. [41333]

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): There are already opportunities for contacts between hon. Members of this House and those in other European countries.

I would be content to consider any positive proposal that my hon. Friend may have on how we could constructively extend those opportunities.

Mr. MacShane: I am grateful for that encouraging answer, especially now that we have drained much of the anti-European poison of the past few years. However, it is essential, is it not, that national parliaments play a role in the construction of Europe? Whereas hon. Members may visit any European institution once a year on the vote—paid for by the House—they cannot visit any national parliament in Europe. As only about 10 per cent. of that facility is taken up, there is a fair bit of dosh in my right hon. Friend's coffers that could be used to encourage, not political tourism, but proper contact between all hon. Members and their opposite numbers in other national parliaments, to build a stronger Britain in a coherent Europe.

Mrs. Taylor: I must disabuse my hon. Friend of one point: there is no dosh in my coffers because of hon. Members not travelling in the way that he suggested. It is possible for hon. Members to travel to European institutions. Visits by Committees and by individual Members on specific duties are also possible. Many hon. Members do not use existing facilities to travel to Brussels or to Strasbourg to familiarise themselves with European Union events, and I think that more hon. Members could benefit from undertaking such journeys and participating in such meetings. Although visiting other national parliaments is an interesting suggestion, we would have to consider the purpose of such visits, to ensure that they were not open to abuse.

Mr. Michael Fabricant (Lichfield): Is not that question a reflection of the fact that this Parliament continues to be sidelined by the Government? Is it not the fact that, since the general election, the Prime Minister has turned up for only seven votes? Is not most administration of the United Kingdom now performed in Whitehall and not in Parliament? Is it not the fact that the hon. Member for Rotherham (Mr. MacShane) would rather spend his time in other parliaments because he knows how worthless this place has become since the general election?

Mrs. Taylor: No.

Madam Speaker: Mr. Austin Mitchell. [HON. MEMBERS: "Where is he?"] Mrs. Teresa Gorman. [HON. MEMBERS: "Where is she?"] Mr. Ian Bruce. [HON. MEMBERS: "Where is he?"] This is a disgrace. I hope that it will be noted and that I shall have letters of apology from all of them. We shall return to defence questions.

DEFENCE

The Secretary of State was asked—

Army Cadet Force

17. **Sir Geoffrey Johnson Smith** (Wealden): What plans he has to increase the strength of the Army Cadet Force. [41312]

The Minister for the Armed Forces (Dr. John Reid): Ever present, Madam Speaker.

We have no plans to increase the strength of the Army Cadet Force, but the hon. Gentleman will know how much value we place on its good work. As I told him on 8 April, we will consider within the strategic defence review increasing the resources available to it.

Sir Geoffrey Johnson Smith: I thank the Minister for that reply. He will be aware that scattered across Surrey, Sussex and Kent are some 20 Territorial Army centres. Does he agree that any reduction in the strength of the TA could lead to a severe reduction in the number of TA centres? If so, how will he sustain, let alone improve, the quality and numbers of the cadet forces if the TA centres close?

Dr. Reid: The right hon. Gentleman is correct to point out the valuable assistance that the TA gives the armed forces cadets and the Army cadets in particular. It is one of the reasons that we will study the footprint of the TA extremely carefully to take into account geographical and other factors, including the Army cadets themselves. I have made plain our commitment to the Army cadets. I believe that they contribute greatly to our society by giving young men and women character-building opportunities and the chance to develop initiative and leadership. If that were not sufficient, I remind the right hon. Gentleman of the personal interest of my right hon. Friend the Secretary of State, who was in his day a cadet of some distinction and who is fully behind the protection of the cadets in the defence review.

Points of Order

3.31 pm

Mr. Nicholas Soames (Mid-Sussex): On a point of order, Madam Speaker. Although I understand that, to your great relief, you are not responsible for ministerial answers, may I nevertheless ask you to intervene with Ministers who consistently fail to supply simple parliamentary written answers on the day on which they are due?

I had a number of questions to the Secretary of State for Defence due for written answer on Thursday. They were simple questions, relating to the dates and times when Ministers first discovered the Sandline operation in Sierra Leone. I received an answer from the Minister to the effect that the office could not answer the question but would reply shortly. Is that not unacceptable? Should not written answers arrive on the day they are due?

Madam Speaker: Does the Minister wish to respond to that point of order?

The Minister for the Armed Forces (Dr. John Reid): Perhaps I can assist the hon. Gentleman. My information is that all those questions answered by the Ministry of Defence in that fashion last week will, with two exceptions—because of the continuing inquiries—be answered today. We said last week that we would answer shortly; "shortly" is within two working days, and we shall be answering today.

Mr. Nick Gibb (Bognor Regis and Littlehampton): On a point of order, Madam Speaker. On 27 April, the hon. Member for Gordon (Mr. Bruce), having been criticised for his and his Liberal colleagues' minimal attendance at last summer's Finance Bill Standing Committee, informed the House that he was not a member of the Committee. Having checked the record, I discovered that the hon. Gentleman was indeed a member of that Committee, although his attendance record reveals that he clearly did not realise it. Have you been approached, Madam Speaker, by the hon. Gentleman with a view to his making a statement to correct the inadvertently misleading statement that he made to the House in April?

Madam Speaker: This tedious point-scoring has been noted.

Mr. Keith Simpson (Mid-Norfolk) *rose—*

Madam Speaker: Is this another tedious point of order?

Mr. Simpson: I shall try not to be too tedious, but it is tedious for hon. Members when they put in for named day answers but do not get answers on that day. Like my hon. Friend the Member for Mid-Sussex (Mr. Soames), I tabled six questions to the Secretary of State for Foreign Affairs for answer last Tuesday. I still have not received any answer, not even one to what I would have thought was a very simple question—which member of the Foreign Secretary's private office was responsible for policy relating to Sierra Leone.

Madam Speaker: The Leader of the House is present and there are Ministers on the Front Bench, so I am sure that the point of order has been noted. Perhaps we might now proceed with the debate on Sierra Leone.

Opposition Day

[11TH ALLOTTED DAY]

Sierra Leone

[Relevant document: Minutes of evidence taken before the Foreign Affairs Committee on 5 May and 14 May (HC 369-vii and 745-i).]

Madam Speaker: I inform the House that I have selected the amendment standing in the name of the Prime Minister.

3.34 pm

Mr. Michael Howard (Folkestone and Hythe): I beg to move,

That this House deplores the muddle of government policy towards Sierra Leone over the last year; notes the contradictory statements made on this matter by the Prime Minister, the Foreign Secretary and the Permanent Under-Secretary at the Foreign and Commonwealth Office; stresses the importance of establishing what knowledge and involvement there was on the part of government ministers, officials and officers of the intelligence services of and in the activities of Sandline International, including possible breaches of both international and United Kingdom law; and calls on the Government to announce without delay that it will establish a public inquiry into this question, presided over by a judge to be nominated by the Lord Chief Justice.

In the past few days, the Foreign Office has become the setting for a Whitehall farce. We have seen the Prime Minister, the Foreign Secretary, the Minister of State, Foreign and Commonwealth Office, the hon. Member for Manchester, Central (Mr. Lloyd), and the permanent secretary contradicting one another and themselves, day by day and hour by hour. We have seen a once great Department of State reduced to a shambles. We have seen muddle and mess on a massive scale.

During the general election campaign, Conservative Members used to complain that new Labour was prepared to change its line as often as necessary to win votes, but the more innocent among us never expected that to persist after the election. Yet, when this affair began, the Foreign Secretary's defence was that his officials knew more than he did, and that he should have been told. The Prime Minister then came out with a second defence: Britain had helped the good guys to win, and that was all that mattered. In the House last week, the Foreign Secretary seemed to be edging towards a third defence—his officials had done nothing wrong after all. The Prime Minister is preening himself for a policy that Ministers were apparently not told about, and that was never implemented.

Let no one be in any doubt that the questions at the heart of this debate are serious and grave. It is clear that the Prime Minister takes a different view, but he does not seem to know or care what the Foreign Secretary said in the House on 6 May, when he told us of his deep concern and said that the matter was

"of proper concern to the House."—[*Official Report*, 6 May 1998; Vol. 311, c. 723.]

He said that it was very serious, and that no one should underestimate its gravity.

When my hon. Friend the Member for Worthing, West (Mr. Bottomley) suggested that officials were doing what they believed Ministers wanted by working for the

restoration of President Kabbah—what might roughly be called the "Blair defence"—he was told by the Foreign Secretary that he was

"wildly out of touch with reality".

The House might think that "wildly out of touch with reality" is a perfect description of the Prime Minister's attitude throughout this unhappy affair.

There are three key questions before the House this afternoon. First, what did the Foreign Office know about the activities of Sandline International, when did it know, and what did it do about it? Secondly, what does the saga tell us about the way in which the Foreign Office is run, and the grip, or lack of it, that the Foreign Secretary has on his Department? Thirdly, what are the consequences of the various ill-timed and ill-considered interventions by the Prime Minister, and what effect have they had on the prosecution of Sandline?

Let me make it clear that Conservative Members welcome the ousting of the military regime in Sierra Leone run by Major Koroma, and the restoration of President Kabbah. The Government were right to want his restoration and to work for it, but the essential question they faced from the outset was whether they wanted President Kabbah restored peacefully, or whether they were prepared to sanction military intervention to secure his return.

To that essential question the Foreign Secretary gave an unequivocal answer on 6 May:

"There was no Government policy or UN support for military intervention to restore President Kabbah. Resolution 1132 and consistent ministerial statements on Sierra Leone stressed that we supported President Kabbah, but wanted him to be restored through diplomatic negotiation, not military intervention."—[*Official Report*, 6 May 1998; Vol. 311, c. 727.]

That crucial feature of Government policy is something of which the Prime Minister appears to be blissfully ignorant—perhaps no one ever told him about it—but everything that the Government did flowed from that.

It was because the Government did not support military intervention that they took a leading role in sponsoring and drafting resolution 1132. It was because they did not support military intervention that they translated resolution 1132 promptly—as the Foreign Secretary was at pains to point out on 6 May—into an Order in Council prepared by the Foreign Office. It was because they did not support military intervention that the Order in Council made it a criminal offence to supply arms or other equipment to any persons connected with Sierra Leone. That is the background against which the facts of this saga fall to be considered.

The involvement of Sandline International in events in Sierra Leone first came to public attention in February, when Lord Avebury, apparently alerted by what he had seen on the Internet, wrote to a Foreign Office official to report allegations that Sandline had arranged for the supply of arms from Bulgaria to forces loyal to President Kabbah. That letter led to the Foreign Office calling on Customs and Excise to investigate the allegations.

On 6 May, the Foreign Secretary told the House that that had happened on 10 March. By the time that Sir John Kerr gave evidence to the Select Committee on Thursday, it had been discovered that, in fact, the reference to Customs had been made in February.

Mr. Hugh Bayley (City of York): Before the right hon. and learned Gentleman leaves the subject of military intervention, will he tell us his party's view? Does it support the involvement of the military observer group, ECOWAS, in the overthrow of Major Johnny Paul Koroma's regime?

Mr. Howard: I see no reason to differ from the view expressed by the Minister of State, who has told the House that he was not happy to support the activities of ECOMOG, and that they conflicted with the UN resolution. Whether we on the Conservative Benches would have supported precisely that UN resolution and the Order in Council that flowed from it is a different matter. The Government did, and they must accept the consequences. The matter is as simple as that. The hon. Gentleman must learn that his party is in government now, and that certain consequences flow from that.

Mr. Mike Gapes (Ilford, South): Will the right hon. and learned Gentleman confirm that the Government of whom he was a prominent member gave training assistance to a military dictatorship in Sierra Leone before the election of President Kabbah, and that the Conservative Government had a record of supporting brutal military regimes throughout the world?

Mr. Howard: I do not accept that for one moment. I am prepared to debate and defend the previous Government's record at any appropriate time. This debate is not about the previous Government; this debate is about the activities of the present Government. Labour Members must learn that their party is in government. They must decide when they go through the Lobby whether they want to support the Government's activities. They will not be able to change the subject.

It is significant that Foreign Office officials—or at least those who saw Lord Avebury's letter—were immediately aware of its implications. They knew that the Government's policy was to work for the peaceful restoration of President Kabbah's Government. They knew that the supply of arms was inconsistent with that policy, and illegal. That is why they called in Customs and Excise.

The matter first came into the public domain in an article in *The Observer* on 8 March, which apparently led to the intervention of the Minister of State in the House on 12 May. The Minister did not mention the Customs investigation into Sandline. He and the Foreign Secretary say that that is because he was not told about it in his briefing before the debate.

On Thursday, before the Foreign Affairs Select Committee, Sir John Kerr first said that he thought that the Minister's briefing contained a reference to the Customs investigation. Then, after "checking his memory", he said that it did not. I mean no disrespect to Sir John when I say that we should have preferred him to check the file and briefing papers rather than his memory before he sent his extraordinary letter on Thursday.

I ask for the production of that file. There can be no reason whatever why it should not be produced. The Foreign Secretary has repeatedly said that he wants to be full and open about the matter. Why can that file not be produced now, this afternoon, to assist the House in debating the matter? In the absence of the production of that file, the House, and, indeed, the country, will draw their conclusions about what the Foreign Secretary and his Minister of State have to hide.

[Mr. Howard]

Whatever the file may or may not contain, we know that the Minister of State's account of events to the House on 12 March was, to put it as mildly as I can, incomplete. He described the account in *The Observer* as "ill-informed and scurrilous"; he described the article as nonsense. But he did not specifically deny the only explicit allegation in the article—that Peter Penfold, the high commissioner to Sierra Leone, had been involved in discussions with Sandline. He failed to tell the House about something that we know was in his brief: the deal between President Kabbah and Sandline.

On Thursday, in the latest of his many ill-starred appearances before the House and the Select Committee, the Minister said that his statement on 12 March was an exact account of his state of knowledge at that time. He went on to say, betraying a little less than full confidence in his previous remark, that, if that turned out to be wrong, he would appear before the House to correct any error.

An appearance has yet to be made in respect of that error. The Minister of State has still to provide an answer to the question put by my hon. Friend the Member for Westbury (Mr. Faber) last Tuesday: was Sandline International mentioned at his meetings about Sierra Leone on 19 March and 1 April? It is a perfectly straightforward question, and the Minister could and should answer it now. Will he do so? [HON. MEMBERS: "Answer."] I would be happy to give way to him.

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): No, Madam Speaker.

Mr. Howard: We note the Minister's answer, and are delighted to have it, but it is a great shame that we have had to wait nearly a week for such a simple and straightforward answer.

The Foreign Secretary told us last week that he received his first document regarding any breach of the arms embargo, or shipment of arms, on 28 April. He then took us on an entertaining tour of the furniture in his office. He did not tell us when the documents were first sent to his private office.

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): I am glad to tell the right hon. and learned Gentleman that the letter was faxed to my office on 24 April. On 25 April, I was in Brussels, and between 25 and 27 April I was in Luxembourg. I returned on 28 April, and was shown the letter within an hour and a half of landing. I do not see what the right hon. and learned Gentleman's problem is.

Mr. Howard: The Foreign Secretary has once again answered a question that I did not ask. I asked not about the letter of 24 April from Sandline, but about any document that might have referred to Sandline's involvement in Sierra Leone; if the Foreign Secretary cannot see the difference between those two questions, he certainly is not fit to hold the office that he occupies. His previous answers, and, indeed, his answer now, were carefully phrased to refer to documents, but did not refer to any oral briefing that he may have received.

Mr. Cook: I am again glad to inform the right hon. and learned Gentleman that I had no oral briefings at any stage beforehand, so I hope that he can skip to the next page of his speech.

Mr. Howard: I am absolutely delighted that the Foreign Secretary is in a rather more forthcoming mood today than he has been in the past. I hope that that will continue when he makes his own speech. I will be happy to give way to him again if he will reply to the series of questions put last week by my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg), which the Foreign Secretary acknowledged were perfectly proper questions. The Foreign Secretary knows that he need not wait before answering those questions; he should answer them in advance of the inquiry, and without delay.

We are asked to accept that the Foreign Secretary's alibi is that he did not know what was happening in his own Department. Those are not words for which I can claim any originality; the right hon. Gentleman used them himself in 1992.

The Opposition are prepared to accept the general proposition that the Foreign Secretary cannot be expected to know of every small or trivial matter in the Foreign Office. However, we cannot accept that recent events in Sierra Leone are either small or trivial. After all, we are talking about the reversal of a coup carried out by a military junta in a country with which we have always had close and friendly relations.

Sierra Leone was important enough to receive a visit from the Minister of State at the end of March, although we have yet to hear what he was told during his visit about the activities of Sandline. It was of such importance that the Foreign Secretary appointed a special representative, Mr. John Flynn,

"to co-ordinate international support for the restoration of the elected Government."—[*Official Report*, 12 May 1998; Vol. 312, c. 153.]

We have not been told much about Mr. Flynn: the Foreign Secretary did not mention him when he came to the House on 6 May. What involvement did Mr. Flynn have with Sandline? What did he report to the Foreign Secretary? If he was co-ordinating international support for the restoration of the elected Government, he at least must surely have known what was going on. If he was appointed by the Secretary of State to act as a special representative, he surely must have reported back to the Secretary of State. Those questions and many others do not need to wait for the outcome of the inquiry. They can, and they should, be answered now.

What was the involvement of the Ministry of Defence? Over the weekend, we had reports for the first time that another naval vessel, HMS Monmouth, was in the area with a significant number of British service personnel on board. What part, if any, did that vessel play in the military action? Will the inquiry cover the involvement of the Ministry of Defence and the knowledge of Ministers and officials in that and the other Government Departments involved?

Last week, the Foreign Secretary got on his high horse when dealing with allegations that he might not have read all his briefing, saying:

"I strongly resent the suggestion that there has been any briefing on the matter that has not been read by me or by the Minister of State."—[*Official Report*, 12 May 1998; Vol. 312, c. 156.]

I am bound to say that the Foreign Secretary has only himself to blame when such suggestions are made, as it was the right hon. Gentleman himself who boasted in the documentary "How to be a Foreign Secretary" that he did not always read his briefing. Perhaps just a trifle prematurely, he said:

"I have recognised that you can be a successful Foreign Secretary if you focus on the big questions and not necessarily . . . finish the paperwork."

If the Foreign Secretary volunteers statements of that sort, he cannot be surprised when people take them at face value. Indeed, he cannot be surprised if officials do so. Was it because he did not finish his paperwork that officials, perhaps understandably, stopped putting it in front of him?

Turning to the part played in this farrago by the Prime Minister, the right hon. Gentleman has taken a rather lofty attitude to all this. As far as he is concerned, the only thing that matters is that President Kabbah was restored. The fact that the Foreign Secretary was insisting that he should be restored peacefully is a trivial detail. The fact that an arms embargo was imposed by the United Nations and made a part of the criminal law of this country is irrelevant; and the fact that that arms embargo and the criminal law may have been breached is "overblown hoo-hah". "Who?" is indeed the question; "Ha" alas, is not a sufficient answer.

The Prime Minister said yesterday that the Foreign Secretary had led the restoration of President Kabbah, yet the Foreign Secretary disclaims all knowledge and responsibility. The full extent to which the Prime Minister has become wildly out of touch with reality—to use the Foreign Secretary's phrase—was apparent in his answer to my hon. Friend the Member for Aldershot (Mr. Howarth) last Wednesday.

My hon. Friend asked the Prime Minister how he could claim credit for the outcome in Sierra Leone when he says that he did nothing to bring it about. His answer was:

"I am not saying that we did nothing: we did a great deal to bring it about."—[*Official Report*, 13 May 1998; Vol. 312, c. 370.]

He want on to talk about humanitarian aid and money for schools, hospitals and transport.

The fact is that President Kabbah was not restored to power by aid or money to schools, hospitals and transport. He was restored to power by military intervention that was contrary to British policy. It was contrary to United Nations policy, and it is something that the Prime Minister, in sharp contrast to his Foreign Secretary, has consistently failed to recognise. For the Prime Minister, it is increasingly clear that the truth is what he says is the truth, and the law is what he says is the law. A good result is something proclaimed by him to be a good result. Indeed, I confidently expect that tomorrow he will declare that Newcastle United won the FA cup on Saturday after all.

This saga, as never before, proves how much power has gone to the Prime Minister's head. If it were not so serious, it would be laughable, but it is serious. The Prime Minister's interventions may well have had the most serious impact on the criminal investigation by the Customs and Excise. Almost the first thing that the Foreign Secretary told the House about the whole affair was:

"The chairman of Customs and Excise has requested that while that investigation proceeds, nothing should be said that could prejudice it."—[*Official Report*, 6 May 1998; Vol. 311, c. 721.]

It is a pity that he did not draw those words to the attention of the Prime Minister.

This saga has brought the Foreign Office into disrepute—it has become the laughing stock of the world. What can be done to restore its reputation? There can be no doubt that there should be a full, urgent and independent inquiry. The inquiry must cover all relevant Departments; it must once and for all establish what Ministers and officials knew, and when; if Ministers and officials did not know, it must explain why; and it must ensure that decision making in the Foreign Office never again plumbs such depths.

The inquiry must be held in public, and be presided over by a judge. It is no disrespect to any individual to say that an inquiry held behind closed doors by someone who has spent his whole working life as a civil servant in Whitehall does not begin to fit the bill. If this country is to be convinced that there is no cover-up or whitewash, the inquiry must sit in public, so that we can see that every avenue is thoroughly and vigorously pursued.

A precedent is readily to hand. The Government's inquiry into BSE is sitting in public, and is presided over by a distinguished judge. What is the difference between that inquiry and the one into Sierra Leone? Is it simply that, when the Government hold an inquiry into events that took place under their predecessors, they hold a public inquiry under a distinguished judge, but when they are forced to hold an inquiry into events for which they are responsible, they hold an inquiry in private—behind closed doors—under a Whitehall insider who has spent his whole working life as a civil servant?

On 23 April, the Foreign Secretary addressed a dinner in the City. He delivered what he termed an "interim report" on his stewardship of the Foreign and Commonwealth Office. He said that he would not be able to conclude by declaring an interim dividend, but he went on:

"I can report that the senior executives of the business are satisfied with the performance of the company and are bullish about our future prospects."

The very next day, the letter from Sandline arrived at the Foreign Office. Ever since, the Foreign Office has been submerged in a mess of muddle and incompetence.

The Foreign Secretary has only one way in which to begin to retrieve his reputation—by ordering a full, independent and public inquiry under a senior judge. If he fails to do so, he will be confessing that he has something to hide. He will stand accused of conniving at a cover-up, and he will be paving the way to a whitewash. Nothing less than a public inquiry will do. I commend the motion to the House.

3.57 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

'notes the Government's consistent policy of support for the restoration of President Kabbah and recognition of him as the elected and legitimate President of Sierra Leone and welcomes the

success of that policy and the overthrow of the brutal and repressive military regime; applauds the open and proper manner in which the Government have responded to allegations of a breach of the UN arms embargo; and congratulates the Government on its commitment to an urgent outside investigation and publication of a full report.'

The right hon. and learned Member for Folkestone and Hythe (Mr. Howard) has not been prompted to choose this topic for debate by a deep compassion for the people of Sierra Leone. He was happy to say nothing in the House about the people of Sierra Leone for nine months, while their elected president was in exile and their local population was being terrorised by a brutal military regime. [HON. MEMBERS: "What did you say?"] I shall say what the Government did, and I shall expect some backing from the Opposition when they hear what support we gave to President Kabbah.

Mr. Howard: Will the right hon. Gentleman say what he told the House during those nine months?

Mr. Cook: Several times in the past year, the Foreign Office made perfectly plain our support for President Kabbah—I did so myself when I met the Foreign Minister of Sierra Leone.

Both the removal and the restoration of President Kabbah passed over the right hon. and learned Gentleman's head without comment or question. He has been prompted to bring the debate before the House by his desperate wish to believe that the extravagant allegations that have been made over the past week were true. Anyone would have to be pretty desperate to believe all of them: new depths of absurdity were plumbed on Sunday, when it was suggested that the Prime Minister may have been complicit in a breach of the arms embargo this year because his father lectured in law in Sierra Leone 30 years ago.

It is an extraordinary testimony to the emptiness of the speech that we just heard from the right hon. and learned Member for Folkestone and Hythe, who said nothing about Sierra Leone until two weeks ago, that it did not contain a single new point. His credibility on this matter would be greater, were it not for the fact that every Labour Member remembers, far better than Conservative Members appear to, what the Conservatives did in government.

The right hon. and learned Gentleman has the nerve to wax eloquent about my not being in control of my Department. That takes a brass neck, coming from a former Home Secretary who, when told that 537 prisoners had been given early release, replied:

"I think I should have been consulted."

The questions that have been posed this afternoon are easily disposed of. The right hon. and learned Member sees something sinister in HMS Monmouth being stationed in the area. HMS Monmouth was sent, prudently, by the Ministry of Defence, in case it should be necessary to evacuate civilians during the fighting. The right hon. and learned Gentleman is surprised that officials, acting perfectly properly, could have referred their suspicions to Customs and Excise for examination. It is absolutely right that officials should feel able to seek an investigation of a possible offence without political approval, and the procedure on that point has not changed one iota between the time of the previous Government and that of the present one.

In the last two years of the Conservative Government, there were 200 occasions when action was taken by the Customs and Excise following Government information fed through the restrictive enforcement unit, and, on the vast majority of such occasions, there was no reference to Ministers. Indeed, I doubt whether all the former Conservative Ministers present, between them, could name 10 per cent. of those cases. So let us have no more humbug about the procedures in this case being incredible, when they were identical to the procedures followed by the Conservatives in office.

Mr. Edward Garnier (Harborough): In the cases that the Foreign Secretary just mentioned, did the then Prime Minister at any stage refer to those investigations as "hoo-hah"?

Mr. Cook: My right hon. Friend the Prime Minister never referred to the case against Sandline, or the investigation, as hoo-hah. [HON. MEMBERS: "Oh."] No, he never did. My right hon. Friend made it plain that, if there was a breach of the embargo, that was wrong; he absolutely said that. What he did say, absolutely rightly, was that all the many wild allegations that have accrued around that investigation were hoo-hah.

For the past two weeks, I have been constrained in what I can say because of a perfectly proper concern not to prejudice the investigation by the Customs and Excise; but, as of this afternoon, that investigation is over. Last week, I said that the extensive—

Sir Peter Emery (East Devon): What the Foreign Secretary said about the number of references that had previously been made to Customs and Excise was important. May we know how many of those references concerned a breach of a United Nations decision and resolution, and how many concerned the export of arms? Those are the two matters which are of major importance.

Mr. Cook: I made it clear that those 200 cases arose entirely from proceedings in the restrictive enforcement unit.

Sir Peter Emery: That reply does not answer the question, which was about arms and the UN.

Mr. Cook: No; that reply is the answer to the right hon. Gentleman's question. The restrictive enforcement unit exists precisely to police any acts of restriction on trade resulting from UN decisions or Orders in Council by Britain. That is its function.

Last week, I said that the extensive files on this matter made it clear that there was no conspiracy between officials of the Africa department at the Foreign Office and Sandline to breach the arms embargo. As the Customs and Excise investigation is over, I can today be more blunt.

Throughout the whole period, there was only one meeting between officials at the Foreign Office and Colonel Spicer of Sandline. I am advised by the senior official at that meeting that Sandline said that it had heard that someone else was planning to run shipments of arms to Sierra Leone, and asked what the legal position would be. The text of the Security Council resolution was fetched and read to the representatives of Sandline. They asked whether the reference to Sierra Leone included

everyone connected with Sierra Leone, and they were advised that that was the case. It was the very same officials who alerted Customs and Excise to their suspicions and started an investigation. That is not the action of people conniving in the very breach that they were asking Customs and Excise to investigate.

I believe that the conduct of public policy by Ministers and by officials must be open to scrutiny. That is why, from our first exchanges in the House on the matter, I have made it clear that I wanted what had happened inside the Foreign Office to be investigated from outside the Foreign Office. Now that the Customs and Excise investigation has been concluded, I can announce that I have asked Sir Thomas Legg QC to undertake that investigation, and he has agreed. As an eminent lawyer, he has impeccable qualifications for the job. Even the right hon. and learned Gentleman announced this morning that he had great respect for Sir Thomas Legg—although I did not hear that when he spoke in the House this afternoon.

As a distinguished servant of the Lord Chancellor's Department, Sir Thomas has weighty and relevant experience of the relationship between the public service and the prosecuting authorities; and, as a retired servant of the Department, he is now free to express his mind openly and independently.

Mr. Howard: Will the right hon. Gentleman confirm that Sir Thomas Legg, for whom I do have considerable respect, has spent the whole of his working life as a civil servant in and around Whitehall? Does he seriously think that an inquiry held in private by someone who has spent his whole working life as a civil servant meets the seriousness of this case or that it will reassure the public?

Mr. Cook: The right hon. and learned Gentleman apparently believes that Sir Thomas's experience and knowledge of the public service will be a handicap in his inquiry—that it compromises his independence to know the procedures that he is investigating. I think that the right hon. and learned Gentleman will be pleased with what I am about to say. I can reassure him that Sir Thomas Legg will not be acting alone. He will be supported by an assessor of impeccable independence of mind. I believe it important that the investigation should assess the procedures of the public service in this matter by the best standards of modern management.

I am therefore pleased to inform the House that Sir Robin Ibbs has agreed to assist Sir Thomas Legg as an assessor. As a former director of ICI and chairman of Lloyds TSB, Sir Robin has great experience and authority—*[Interruption.]* My hon. Friends must not spoil my punchline. He has great experience and authority of best management practice—so much so that, when the Conservatives were in government, Baroness Thatcher appointed him as her adviser on efficiency. I am therefore confident that Conservative Members will applaud his expertise.

Mr. Garnier *rose—*

Mr. Cook: The hon. and learned Gentleman has already had his shot.

I will be placing in the Library a copy of the full terms of reference of the investigation, which is essentially tasked with answering two key questions: whether any Department of the Government gave approval to breaches of the arms embargo on Sierra Leone; and what was known by the Government, either by Ministers or officials, of any alleged breach. The investigation will extend to the Ministry of Defence and any other relevant Department. It will also cover the intelligence agencies and will have regard to any communiqué or report received by officials which referred to Sandline.

The investigation will commence immediately and be concluded as soon as possible. The report will be made public. I will ensure that the right hon. and learned Gentleman has adequate time to read the report before it is published.

Sir Peter Tapsell (Louth and Horncastle) *rose—*

Mr. Douglas Hogg (Sleaford and North Hykeham) *rose—*

Madam Speaker: Order. The Foreign Secretary is not giving way.

Mr. Cook: There will be no repeat of the shabby manipulation by this Conservative party over the Scott report, when we were given three hours to read five volumes.

Mr. Hogg: I am grateful to the right hon. Gentleman for giving way. Will he tell the House, first, whether the two persons charged with the inquiry will sit in public, and, secondly, if they want to enlarge their terms of reference, will they be allowed to do so?

Mr. Cook: If the investigators wished to enlarge their terms of reference, I would welcome any request from them. We would look carefully at it and I am sure that we would agree to it. On the question whether they would sit in public, I listened with the greatest interest to the right hon. and learned Member for Folkestone and Hythe describing his new discovery of the virtues of the public inquiry. It was not a discovery which he made in government.

I must apologise, Madam Speaker, because in my statement to the House last week, I misled the House. I recognise the importance that the Opposition attach to putting the record straight. Last week, I informed the House that, as Home Secretary, the right hon. and learned Member for Folkestone and Hythe had lost 13 cases in the courts. I regret to inform the House that I overlooked four other cases that need to be taken into account, making a grand total of 17 lost cases. Not once did he order a public inquiry to find out where he went wrong.

Twice during the right hon. and learned Gentleman's period as Home Secretary, the spectacular escape of prisoners led him to appoint an inquiry into the Prison Service, and on neither occasion did he make it a public inquiry, yet, now that he is in opposition, we are asked to believe that he is a born-again believer in public inquiries.

Sir Peter Tapsell *rose—*

Mr. Cook: I shall give way for the last time.

Sir Peter Tapsell: When the right hon. Gentleman finally tells the House whether the inquiry is to be held in public, will he at the same time tell us why he has

[Sir Peter Tapsell]

gone to such enormous lengths to avoid the obvious and traditional custom of appointing a High Court judge to preside over such an inquiry?

Mr. Cook: I have already announced the distinguished lawyer who will conduct the inquiry. He is so distinguished that even the right hon. and learned Member for Folkestone and Hythe is obliged to say that he has great respect for him. I am perfectly confident that Sir Thomas Legg is as capable of carrying out the inquiry properly, legally and with adequate qualifications and safeguards as any High Court judge.

Ms Diane Abbott (Hackney, North and Stoke Newington): I am grateful to my right hon. Friend. I hope that he accepts that, even if the Opposition are not seriously interested in Sierra Leone, there are people in the House and, more important, outside the House who are extremely interested in Sierra Leone and in how the Government handle such issues in Africa. Will the inquiry take as its point of departure the Orders in Council passed in this country, which were quite clear that arms were not to be sent to anyone in Sierra Leone, or will the inquiry take as its point of reference the United Nations resolution, which people are now saying is ambiguous?

Mr. Cook: I would contest my hon. Friend's final statement that the resolution was ambiguous, but, to answer her narrow point, the investigation will have both documents available to it. The investigators can draw whatever conclusions they, with their qualifications and their investigations, see fit to draw from both documents in the light of events over the past four months.

I have honoured the commitment that I gave that the inquiry would be carried out by someone from outside the Foreign Office. The public need to know the truth, and they need to know it urgently. If we went down the road of a public inquiry, we would waiting for it to start, long after the investigation that I have announced will be finished and out in public.

Moreover, the issues do not justify a public inquiry. It is already clear that we are looking at a limited range of issues over a short period and covered in a relatively modest bundle of official papers. There is not a single ministerial decision on Sandline to be investigated. That is entirely different from the arms to Iraq scandal, in which the inquiry had to pursue back over several years questions of Government policy, and in which Ministers were in it up to their necks, both in the secret changes in policy and in the repeated deceit of Parliament and the courts. It is even more limited in scope than the matters being pursued in the public inquiry into bovine spongiform encephalopathy, which will examine the conduct of Government policy over 15 years and the repeated failure of Ministers in the previous Government to grasp the severity of the problem or to be frank with the public.

The real reason why the right hon. and learned Gentleman demands a public inquiry is to create the impression that there is a great political scandal waiting to be exposed. He has so far failed miserably to expose it. To be fair to him, he cannot find a great political scandal on this issue because there is not one there.

Mr. Dominic Grieve (Beaconsfield): I am much obliged to the right hon. Gentleman. I have listened carefully to his comments, and he seems to reject the allegations made by Sandline regarding its conversations with the Foreign Office. Is not that in itself a good reason why the matter should be referred to a judge for inquiry? There is the question not only of the Foreign Secretary's comments to the House but whether there has been a misunderstanding between Sandline and the Foreign Office, and who is right about those conversations.

Mr. Cook: The hon. Gentleman's question has already been asked and answered. I am perfectly confident that Sir Thomas Legg QC has all the legal experience and qualifications necessary to adjudicate in such matters. However, I agree with the hon. Gentleman on one point—indeed, his comments are helpful. Until now, we have heard in public only the allegations by Sandline; the investigation can now start to sift the evidence properly and produce a full and considered report.

As the Conservative party attaches so much importance to Sierra Leone and has put the topic before the House for debate, perhaps we could invite Conservative Members to attach some importance to what is said by the people of Sierra Leone. Nobody in Sierra Leone believes that there is any political scandal in the conduct of the British Government towards their country. They are delighted to be rid of a savage military regime which killed their sons and raped their daughters. They are delighted to have back their elected president and their constitutional Government. There was no failure of British policy in Sierra Leone. Britain supported the elected Government of Sierra Leone.

Mr. Howard: Does that mean, therefore, that the Foreign Secretary now accepts that his policy has been wrong throughout and that he should have favoured military intervention to restore President Kabbah?

Mr. Cook: I refer the right hon. and learned Gentleman to what President Kabbah has said. He has expressed his profound gratitude for the resolute support that Britain gave him. Since then, the high commissioner for Sierra Leone has written to the Minister of State, saying that he has followed

"with utter disbelief the sustained attacks on the British Government's role in restoring democracy to Sierra Leone."

As the right hon. and learned Gentleman has asked what Labour and Britain did for Sierra Leone, I shall tell him. Britain supported the elected Government of Sierra Leone, and Britain helped pass the resolution of support for it at the United Nations. Britain welcomed President Kabbah to the meeting of the Commonwealth Heads of Government. Britain was first on the scene after the restoration of President Kabbah with the humanitarian relief provided by HMS Cornwall. The Minister of State was on the first ministerial team from outside west Africa to visit Sierra Leone and to congratulate President Kabbah after his restoration.

Last July, when I outlined our policy on human rights at a meeting of non-governmental organisations, I referred to the funding and equipment that Britain had provided for a radio station supporting the cause of democracy against a regime so repressive that I was advised that I could not name it without risking reprisals against British lives. That radio station was to enable President Kabbah to communicate directly to his people throughout the period of military rule. That radio station, funded by

Britain, was the vital link between President Kabbah and his people. It helped mobilise support for the restoration of democracy in that country. That is part of the practical, financial, moral and political support that we provided to President Kabbah.

There was no failure of policy; nor has there been any cover-up. We have acted openly throughout. The Foreign Office took the initiative in referring the original decision to Customs and Excise. The Foreign Office has co-operated openly and fully with the Customs and Excise investigation. I moved immediately on the completion of that investigation to appoint an investigation by two men who bring to it immense legal authority and unchallengeable probity. Every briefing paper, every telegram and every minute will be available to them. Yet the right hon. and learned Member for Folkestone and Hythe and others around him have the nerve to claim that there is still some comparison between this episode and the conduct of the previous Government over arms to Iraq.

There are no comparisons. There are only contrasts between our conduct in Sierra Leone and the previous Government's conduct in Iraq. The greatest contrast of all is that, in Sierra Leone, the Government's policy has contributed to the return of a legitimate and elected Government. In Iraq, the Conservative Government's policy still leaves British machine tools turning out shells for a brutal and repressive dictator.

How many Conservative Members can say that they are proud of what their Government did in supplying Saddam Hussein? We can be proud of what we did for Sierra Leone. Therefore, we are confident that the independent investigation that I have announced today will show that, unlike the previous Government, we have nothing to fear from bringing the truth out into the open.

4.21 pm

Mr. Menzies Campbell (North-East Fife): Whether there is now to be a prosecution, there are fundamental questions that still require to be answered. Even if there is no prosecution, it does not mean that the United Nations arms embargo was not broken. Even if there is no prosecution, it does not mean that no criminal offence was committed. If no prosecution is to be initiated, it means only that the prosecuting authority does not believe that it can successfully obtain a conviction.

I am bound to say that there seemed little chance of a conviction by a jury when the words "hoo-hah" and "hype" were used to dismiss what was and remains legitimate public interest in these events. There seemed little chance of a conviction by a jury as soon as the public were told to concentrate on the successful restoration of a legitimate Government and to disregard the means by which that was achieved. The truth is that after these interventions, prosecution was inevitably doomed.

If the words "hoo-hah" and "hype" are of any significance in the context in which they were used, why was it that the Foreign Office referred the matter to Customs and Excise? It cannot have done so lightly. If "hoo-hah" and "hype" are legitimate to use to dismiss interest in these matters, why has the Foreign Secretary ordered an independent inquiry? An inquiry is an acknowledgement that there are matters of substance to investigate, and the more distinguished the members of the inquiry, the more substantial these matters are.

Mr. Hogg: The hon. and learned Gentleman has made an important point, that the Prime Minister's public intervention may have made the prospects of a successful prosecution remote. Does he agree that one of the things that the two inquiry adjudicators should look into is exactly what the advice of Customs and Excise was as to the prospects of a successful prosecution, so that we may know whether it was the Prime Minister's intervention that made a prosecution impossible?

Mr. Campbell: As the right hon. and learned Gentleman knows better than me, that is a matter for the Attorney-General. I suspect that the conventions by which the prosecuting authority reports to the Attorney-General are such that investigation of those matters would be prevented. It would, however, be open to the Attorney-General to take the view that so important was that matter that he would waive the traditional right to confidentiality. Thus the right hon. and learned Gentleman's proposition would depend substantially on the view that the Attorney-General was willing to take.

The dismal truth is that, after a fortnight of speculation and innuendo, we are no better informed of the answers to the questions posed at the outset of this affair. Those questions remain as follows: was the United Nations arms embargo breached; was criminal domestic law breached; if there were such breaches, were officials of any Government Department, or officers of the security services, implicated; and, given that I accept the truthfulness of Ministers, why were they not informed?

Mr. Tom King (Bridgwater): I am sorry to take the hon. and learned Gentleman back a little, but I wanted to intervene because the Attorney-General is in the Chamber. One issue that emerged from the Scott inquiry was responsibility for Customs and Excise prosecutions. It was felt that Customs and Excise should have greater independence. The previous Attorney-General said:

> "I shall be answerable to the House for actions taken by Customs and Excise in relation to individual prosecutions relating to defence exports and to sanctions infringements".—[*Official Report*, 17 June 1996; Vol. 279, c. *331*.]

That was an enhancement of the role from the previous position. In a sense, it meant greater independence. The independence of prosecution activity by Customs and Excise was thought to be at the heart of the Scott inquiry. Does the hon. and learned Gentleman think that, in the light of that answer, the Attorney-General should be able to help the House today?

Mr. Campbell: It is for the Attorney-General to decide whether he wants to favour the House. After all, part of his role is independent of the Government, and if he feels that he could assist the House by intervening, I have no doubt that a suitable opportunity could be found.

On the general point to which the right hon. Gentleman referred, I was a member of the Select Committee on Trade and Industry during the investigation into what became known as the Iraqi supergun. The then Attorney-General, who is now the noble Lord Mayhew, explained to the Committee at great length why by convention up to that point the Attorney-General's role in relation to Customs and Excise investigations and prosecutions was very limited. Indeed, as a result of Lord Justice Scott's strictures on that matter, the convention and practice have both been changed.

Mr. Ian Bruce (South Dorset): Will the hon. and learned Gentleman give way?

Mr. Campbell: No; I should like to make progress.

[Mr. Campbell]

On 5 February 1998, my noble Friend Lord Avebury wrote to a senior Foreign and Commonwealth Office official reporting allegations that had appeared originally in the *Toronto Globe and Mail* of 31 July 1997—more than eight months previously—which were repeated on 9 February in another publication. On 26 February, the Foreign Office official replied to that letter of 5 February, saying that the allegation that Sandline was involved in the supply of arms to Sierra Leone, which was contrary to Security Council resolution 1132, implemented in British law by Orders in Council, had been referred to the appropriate authorities—Customs and Excise—which would examine any evidence and assess whether a crime had been committed. Therefore, at some time between 5 and 26 February, an individual in the Foreign Office had referred the matter to Customs and Excise. That makes the delay in bringing those matters directly to Ministers' attention all the more difficult to understand.

It is a matter of profound regret to me that, after a fortnight of what I can only describe as inept, confused and occasionally contradictory handling by the Government, the reputation of the Foreign and Commonwealth Office has been substantially dented. To argue that the House should ignore Sandline because the result was satisfactory is to ignore the rights of the House of Commons and of Members of Parliament to hold Ministers of the Crown to account for their actions. To argue, as some have, that we should concentrate on nuclear proliferation in the Asian sub-continent or on unrest in Kosovo and relegate consideration of Sandline is to ignore the fact that our confidence in the Government to deal properly with those issues depends, inevitably, on our assessment of the competence of the Foreign Office to deal properly with Sandline.

Even supposing that there was no breach of the United Nations resolution, why were Ministers not informed of the proposed arms shipments? The Foreign Secretary has given us statistical information, and it might benefit from closer analysis once it is put in the public domain. Are arms shipments to areas of tension where the United Kingdom Government are pursuing a determined policy for the restoration of a deposed foreign Government so commonplace that they do not rate any mention to Ministers? If that is so, it is a surprising state of affairs.

The Foreign and Commonwealth Office referred the matter to Customs and Excise. Are such references, where the transaction is the shipment of arms, so commonplace that they do not rate any mention to Ministers or to a Foreign Secretary who, on any view, enhanced and distinguished his reputation by the way in which he pursued the previous Government in relation to the arms to Iraq affair? One would have thought in those circumstances that, from the narrowest of political standpoints, it would be inevitable that such a matter, if there were something of that sort, would be referred to the Foreign Secretary—and to this Foreign Secretary in particular.

Mr. Ian Bruce: Does the hon. and learned Gentleman think that the House is missing something—that the arms were not going to Sierra Leone, but to the Nigerian military regime? We should be looking at whether the British Government were effectively conniving with a regime that they constantly condemn.

Mr. Campbell: Nigeria's role in those matters occasioned considerable anxiety. At the Commonwealth Heads of Government meeting in Edinburgh last September, there was considerable scrutiny of Nigeria's response to the conditions placed on it for continued membership of the Commonwealth. Some, myself included, argued that Nigeria's failure to observe the conditions on which it had been suspended was such that expulsion should follow. The attitude of the Government—of any British Government—to Nigeria in such circumstances was bound to be one of sensitivity.

I had considerable apprehension about the role taken by the Nigerian Government in the restoration of President Kabbah. Once again, we got the right result, but whenever one makes that point, one must ask, "Supposing we had not got the right result? Supposing the outcomes had been different—would our attitude and the Government's attitude to the means by which they were achieved be rather different?"

I welcome the proposal to hold an independent inquiry. I am not convinced that it needs to be held in public, so long as a person of sufficient detachment and independence is chosen to conduct it. I agree with the Foreign Secretary about the conversion of some Conservative Members to the value of a public inquiry. I remember well, as he does, that before he and I were given three hours to examine Lord Justice Scott's report in the basement of the Department of Trade and Industry, a lot of senior Conservatives—including Lord Howe of Aberavon, if my memory serves me correctly—were put up to rubbish in advance the outcome of the Scott inquiry, before the report had even been published.

It did not stop there. The Foreign Secretary will remember that the central conclusion of the report was that Parliament had been deliberately misled about a change of policy. What happened at the Dispatch Box? The then President of the Board of Trade, now Lord Lang, said that the Government did not accept the central conclusion of the report. That justifies the Foreign Secretary exhibiting a degree of scepticism about the conversion that has taken place, but when sinners return to the fold, one should try to be nothing other than generous.

Mr. Grieve: Leaving aside the question whether sinners have been converted, does the hon. and learned Gentleman agree that, in the light of what the Foreign Secretary said today, one of the central issues in the inquiry will be whether the Foreign Office's recollections of its dealings with Sandline are right or whether it might be mistaken? In such circumstances, it would be inappropriate for the members of the inquiry and its chairman to be drawn from the civil service.

Mr. Campbell: The hon. Gentleman anticipates my point. Like others, I have a great deal of respect for Sir Thomas Legg and Sir Robin Ibbs. However, in this case, not only a legal qualification but independence from Whitehall and from Government are essential for the credibility of the investigative process. I regret that the Foreign Secretary has not found himself able to go outside Whitehall. For example, he referred to Sir Robin Ibbs,

who, of course, had a distinguished career outside Whitehall but has been part of it in the very capacity to which the Foreign Secretary referred.

Once a person has been appointed, he or she should be invited to consider whether the investigation should be in public, because issues involving the Security Service are obviously of great delicacy and sensitivity and, in some circumstances, the lives of people called to give evidence might be put at risk. Therefore, a decision about the extent to which the inquiry should be public ought to be left to the person of independence and detachment who will be called upon to conduct it.

If the inquiry is to be credible, it will, as I think is conceded, inevitably have to consider the actions of Ministers—not only what they knew and when they knew it, in the rehearsal of the phrase that ultimately caused President Nixon to step down, but whether they exercised due diligence to find out. The question is not merely whether they knew, but whether they ought to have known. I echo last week's observation by my right hon. Friend the Member for Yeovil (Mr. Ashdown) when I say that another question for the inquiry is whether there is any substance in the allegation that the Government are relying on what came to be described as the Thomas à Becket defence.

Out of this we should surely try to find some pointers for the future. That is why I say that the inquiry's remit should be to consider the need to require arms brokers who operate in the United Kingdom to be registered here and to be subject to licence, and to require all transactions in which they engage, irrespective of whether the arms pass through the United Kingdom, to be subject to the domestic licensing regime that operates here. Extra-territorial powers of that kind are not unprecedented. United Kingdom nationals who assist in the acquisition of chemical weapons capabilities by third parties are liable to prosecution under the Chemical Weapons Act 1996.

Ms Abbott: I have a question for the hon. and learned Gentleman before we deal with the inquiry's remit. I have here a copy of the terms of reference that have been placed in the Library. Does he agree that it is curious that the term of reference that the inquiry will not have are to look into whether there was a breach of the United Nations embargo?

Mr. Campbell: The hon. Lady has the advantage of me, because I have not seen the terms in detail. However, if the inquiry's first consideration is not whether United Nations Security Council resolution 1132 was breached, its conclusions will be substantially flawed. The Foreign Secretary demurred to the hon. Lady. If the terms of reference require further elucidation and expansion, it would be appropriate for him to give them so that that issue, which is fundamental to the inquiry, falls within its remit.

The inquiry should also consider whether any application for licensing approval involving arms should be required to contain full details of the banking, insurance, credit and transport arrangements in the brokering of a particular transaction. Finally, it should consider the establishment of a Select Committee in the House of Commons to oversee arms export policy and to scrutinise individual applications.

It is sometimes said that those are matters of commercial confidence, but if the right hon. Member for Bridgwater (Mr. King) can be trusted to oversee the security services and GCHQ, surely either he or hon. Members of the same experience and integrity could be trusted to provide appropriate scrutiny of sensitive and potentially difficult arms exports.

As the Secretary of State for Foreign and Commonwealth Affairs properly said, this is not arms to Iraq. Any efforts to suggest that it is are misplaced and mischievous. As I have said, Lord Justice Scott established that the previous Government had deliberately failed to inform Parliament of a change in Government policy in the supply of arms to Iraq and, in doing so, had failed to discharge their constitutional obligation of ministerial accountability. There is no evidence of any of that here, but the allegations that have emerged over the past weeks are damaging to the Foreign Office.

The Attorney-General (Mr. John Morris): In view of the hon. and learned Gentleman's earlier remarks and those of the right hon. Member for Bridgwater (Mr. King), I can confirm that Customs and Excise has now reached a view and announced in the past few hours that proceedings should not be instituted against any person. I confirmed that decision, which was based on the particular circumstances leading up to the supply of arms—I emphasise that—and no other circumstances apply. I am grateful.

Sir Nicholas Lyell (North-East Bedfordshire) *rose—*

Mr. Campbell: Might I say that there will be those in the House who will want to consider carefully the terms of what the Attorney-General has just said? Perhaps some of them will want to press the point even now.

Sir Nicholas Lyell: Would the hon. and learned Gentleman be interested, as I would be, to learn from the Attorney-General whether that decision was taken on evidential or public interest grounds, and whether he might elucidate that matter a little further?

Mr. Campbell: This is a match that may have to be conducted in circumstances where I am not the court, as it were, but I have some small experience of prosecuting, not within this jurisdiction, but a little further north, and it was certainly my experience—prosecuting some time ago, it has to be said—that decisions not to proceed were never the subject of explanation. The only way in which an explanation of the sort that the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell) seeks from the Attorney-General, but through me, could be provided, would be if the Attorney-General were willing to provide that information. That is a point that he may have to take up with the Attorney-General directly.

I deduce from what has been said that the decision was based on the view that there was insufficient likelihood of a conviction to justify taking proceedings. If that be so, and I return to a point that I made at the outset, I am firmly of the view that some of the descriptions—some of the use of language such as "hoo-hah" and "hype"—must have made some contribution to the view that the prospects of success were insufficient to warrant prosecution.

The fact that there is no prosecution does not mean that the embargo was not broken, because the standard of proof required to bring home a criminal charge is proof

[Mr. Campbell]

beyond reasonable doubt. That is a high standard. If we were asked to consider whether a UN embargo had been broken, most hon. Members would be satisfied with proof on a balance of probabilities.

I go back to the point that I made before: even if there is no prosecution, it does not mean that no criminal offence was committed. Therefore, the Attorney-General's intervention does not take away from the inquiry's two fundamental and primary tasks: to establish whether there was a breach of the UN resolution and of criminal law.

Mr. Grieve: Does the hon. and learned Gentleman agree that, if what was said by the Foreign Secretary is correct—that Sandline sought approval from the Foreign Office for the export, or at least raised it and was told in unequivocal terms that it would be a breach—it becomes all the more remarkable that clear evidence is not there on which it could be prosecuted?

Mr. Campbell: I think that we are about to have a tutorial on legal matters, which is well outwith the scope of the debate, but some of us, remembering the way in which the Matrix Churchill case came to an end, have formed the view that, no doubt with some success, Sandline's solicitors have legitimately been seeking to establish what one might call a Matrix Churchill defence in a public forum. That may be a partial answer to the point that the hon. Gentleman makes, but if he wishes to pursue it at greater length, he will no doubt seek to catch your eye, Mr. Deputy Speaker.

I have said already that I do not believe that these events have any parallel with the issue of the supply of arms to Iraq and the deliberate misleading of the House of Commons, but the allegations that have emerged over the past weeks are deeply damaging to the Foreign Office, to the Government and, ultimately, to the UK's interests. The allegations have not been made any less damaging by the way in which they have been dealt with, particularly in the past fortnight or so. It follows from that that the sooner the truth is known, the better.

Several hon. Members *rose—*

Mr. Tom King: On a point of order, Mr. Deputy Speaker. We have just had the advantage of an intervention by the Attorney-General, which I think the whole House appreciated because there was uncertainty. In his speech, the Foreign Secretary carefully used the phrase that Customs and Excise had completed its inquiry—he never said what it had done and whether there was to be no further prosecution; he said merely that it had completed its inquiry. The Attorney-General, exercising the right of a Law Officer to intervene in a debate, has now clarified the position. I understand that, if the House had wished to do so, it could have treated that as a Government statement, on which hon. Members could then have asked the Attorney-General questions.

That moment has now passed, but the Attorney-General is helpfully here. I understand that he is not winding up the debate, but that the Minister of State, Foreign and Commonwealth Office, the hon. Member for Manchester, Central (Mr. Lloyd), will be. Can we take it that, if any hon. Members now wish to raise points in the presence of the Attorney-General, the Minister of State will be able to answer questions that are effectively directed at the Attorney-General, and that the Attorney-General will kindly brief him in the light of the responsibilities that he accepts that he now has under the new arrangements, for Customs and Excise prosecutions? Will the Minister of State be able to give answers to hon. Members, which obviously would help the House?

Mr. Grieve: Further to that point of order, Mr. Deputy Speaker. I understood the intervention of the Attorney-General to be in reply to the comments of the hon. and learned Member for North-East Fife (Mr. Campbell), the Liberal Democrat spokesman. In those circumstances, there was no opportunity, as I understand it, legitimately for the Attorney-General to be questioned—as if he were making a statement. I seek clarification on that point because, as my right hon. Friend the Member for Bridgwater (Mr. King) says, the moment has passed when we can ask the Attorney-General questions.

Mr. Deputy Speaker (Mr. Michael Lord): The whole House will have heard the point that the Attorney-General made. As the right hon. Member for Bridgwater (Mr. King) suggested, in the light of the Attorney-General's remarks, it is for Ministers to respond to questions. They will do so in the way they feel fit.

4.47 pm

Mr. Donald Anderson (Swansea, East): I propose to make four points, which I hope will help the House to look rationally at this important matter. First, I give the background. Sierra Leone is a friendly Commonwealth country. Since independence in 1961, it has been racked by a great deal of political turbulence, and it is one of the poorest countries in a very poor continent.

That political turbulence reached its climax in May last year, when President Kabbah, who was democratically elected and internationally recognised, was overthrown by a military coup. All the relevant international organisations sought to have that position reversed and the President returned to power. They included the Organisation of African Unity and the Commonwealth, and of course we know that our Prime Minister invited President Kabbah as his personal guest to the Commonwealth Heads of Government meeting in Edinburgh in October.

Hence the UN Security Council passed resolution 1132 last year and an Order in Council was subsequently implemented, which came into effect on 1 November. We know that, ultimately, the legitimate president was returned to power, largely with the help of ECOMOG—a unit comprised mainly of Nigerian forces. Perhaps those who are now acclaiming Mr. Penfold, our high commissioner in Sierra Leone, and making him a national hero will be a little puzzled by the nature of the debate in this country.

The matter first came before the Select Committee on Foreign Affairs on 5 May. We were conducting an inquiry into what an ethical dimension to foreign policy means in practice. We were due to meet the Minister of State on the Tuesday following the bank holiday. It is fair to say that when he came before the Committee, he thought he was appearing before us on a different but related matter—the human rights report that the Government had published in April.

As there had been considerable press interest in Sierra Leone over the weekend, it seemed proper to the Committee to deal with Sierra Leone in our questions to

the Minister. As he was not prepared, because he came to the Committee on another matter, he prefaced his remarks with a number of disclaimers and said that if he made errors he would correct them as soon as possible. The very next day—Wednesday 6 May—the Foreign Secretary responded to a private notice question and the Minister of State wrote to me, in my capacity as Chairman of the Committee, on the following Friday, saying that I should deem the Foreign Secretary's statement to be the answer to the Committee that had been promised.

On Tuesday 12 May, the Committee met in private session. We were decidedly unhappy with the Minister's letter, which we did not think sufficient, and we asked him to provide us with a paragraph by paragraph correction of the evidence that he had given us the previous Tuesday. We also decided to ask the Foreign Secretary for the relevant telegrams sent from and to Conakry and Freetown from October last year. That request was refused: I shall return to that matter in a moment. The Minister of State has now written to us setting out a full response.

That is largely the role that has been performed by the Committee. I have ensured that all the relevant documents—including the evidence given by Sir John Kerr, the permanent under-secretary at the Foreign Office, to the Committee on Thursday 14 May, together with his correcting letter of that same afternoon; the two relevant evidence sessions; and the letters addressed to the Committee—are before the House, albeit in an uncorrected state, to inform this debate.

Ms Abbott: Does my hon. Friend agree that the Select Committee is extremely unlucky? No sooner does a Minister or an official appear before it to give evidence on matters relating to Sierra Leone, than within hours they retract their evidence. Are we not an unlucky group of people?

Mr. Anderson: That is an interesting observation. In all fairness, the Minister of State was appearing before the Committee on another matter, albeit related. That accounts for the fact that he was not as fully briefed as he would have liked to be. When Sir John Kerr came before the Committee, his memory failed him on a key matter and a correcting letter, addressed to the Committee, was sent that same afternoon. I hope that the House recognises that the Committee has done all that it can to deal with questions of interest to the House, and that the necessary information is now before the House to inform this debate.

Obviously, one question that needs to be asked relates to the interpretation of the UN Security Council resolution. The aim of the resolution was consistent with the general wish of the international community to replace the illegal regime with the legal regime. However, the resolution does not say that; it puts the legal regime—which at that time was in exile in Conakry—and the illegal regime on a par in terms of arms supply. Naturally, the implementing Order in Council also makes no distinction between the legal and the illegal regimes. That is puzzling. Was it because of sloppy drafting?

On any construction of the Order in Council, there must have been a technical breach of that order. According to the first schedule to the order, it is clear that arms are included and that any British national who supplies arms to Sierra Leone—to either regime—is guilty of an offence. I note the interesting defence by Sandline, that it thought it had a licence. With a legal hat on, I would not like to appear before the chairman of the bench on a charge of not having a licence for a public house and say, "I have a virtual licence," or, "I thought I had a licence." That may or may not be good mitigation, but it is certainly not an answer to a charge.

The only reason for not proceeding against Sandline is either on the ground of public interest and the overall wish of the international community, or that the surrounding circumstances are such that, given the relations between civil servants and Sandline, no jury would be likely to convict and we would simply have a costly exercise, the only beneficiaries of which would be the lawyers.

I note that that argument was advanced in a letter to *The Times* last Friday from Berthan Macaulay, the special legal adviser to the Sierra Leone Government. I last met Mr. Macaulay when he was a defendant in another treason trial in Sierra Leone in 1967. It is good to see that he is still around. The idea that motive is sufficient to construe either the UN Security Council resolution or the Order in Council in such a way is wholly unsustainable. The construction is clear—there has been a technical breach of the UN embargo.

We need to ask questions about the UN Security Council resolution. It may be that Sandline was initially supplying a very different sort of assistance to the Ecomog forces. It might have provided technical assistance, intelligence and training, in which case it would not have been in breach of the resolution, which is essentially a ban on arms supply. It may have been like the United States forces in Vietnam, who began as military advisers, but gradually slipped into a combat role. It may be that those in the Foreign Office who were well aware of Sandline's activities believed that they comprised assistance that did not breach the UN embargo. It is only at a much later stage that the question of arms supply arose. As we now know, the relatively small number of arms that were supplied arrived after the battle for Freetown was already over.

The role of the intelligence services may well be another complicating matter, but no more than that.

The House will therefore have to examine events in the light of the United Nations Security Council resolution, and also the activities of Mr. Flynn, who was the special adviser to the Foreign Secretary. We have heard rather little about Mr. Flynn's activities.

I should like now to deal with the matters raised by the hon. and learned Member for North-East Fife (Mr. Campbell), who speaks with great distinction on behalf of the Liberal Democrat party, and Lord Avebury's letter of February 1998, addressed to the Foreign Office official. We will have to examine why there was a time lapse between receipt of the letter and action on it, after the matter was referred, on 10 March 1998, to the Foreign Office legal adviser.

More specifically, we will have to discover why the Minister of State was placed in an embarrassing position, through no fault of his own, by not being briefed before replying to the Adjournment debate of 12 March 1998 initiated by the hon. Member for Southwark, North and Bermondsey (Mr. Hughes). Surely the sensitivity of the matter should have been known by the date of that debate.

[Mr. Anderson]

After 12 March, why was there a further time lapse—until some time in the middle of April—until the matter was submitted for noting to the Minister of State? Surely it was known by then that the matter was sensitive and that the Minister had not been briefed adequately on 12 March. We will have to ask questions, not only about that lapse, but about subsequent events that have been detailed in the Sandline letter.

Many interesting issues will have to be addressed by the distinguished leader of the investigation, and by his assessor—who also knows his way around Whitehall, and is very well tried in management methods and private industry.

What options remain open to the House and to the Foreign Affairs Select Committee—which I have the honour of chairing? I heard the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) mention a public inquiry, the first option. He knows as well as I do that such an inquiry would take a long time to complete its work. Lawyers may be involved in such an inquiry, whereas I think that the House would like answers to a relatively narrow range of questions. The matter does not involve the time scale involved in bovine spongiform encephalopathy, for example, or the complexity of the arms-to-Iraq affair. I am sure that the House would like the inquiry to report as speedily as possible.

Although I understand the wish of the right hon. and learned Member for Folkestone and Hythe to dress up the matter by equating it with the arms-to-Iraq affair, I do not think that the British public will fall for such a comparison. They realise that such an effort would be—to use a current phrase—well over the top.

I therefore do not think that a full public inquiry would meet our needs. I accept the assurances of my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs that the inquiry will be a speedy one, and that it will be conducted by very experienced and tried people, whom he has announced.

The role of the Foreign Affairs Select Committee is to serve as the arm of the House in monitoring the Government's actions, specifically the actions of the Foreign Office. Basic questions and shortcomings are likely to arise and to be revealed during our investigations. Such questions include what civil servants said to Ministers; who knew what and—perhaps as important—who should have known; and why Ministers were not adequately briefed in a matter of such importance.

I believe that there is a role for the Foreign Affairs Select Committee. However, I should hope, first, that every hon. Member realises that the Committee has acted properly in the investigations that we have conducted so far—both in questioning the Minister of State and the permanent under-secretary, and in ensuring that all the relevant documents are before the House for this debate.

The Foreign Affairs Select Committee's role should not stop at our actions to date. The Committee should now press forward, although it will be for the Committee itself to decide on the next steps. Perhaps it would be unwise to attempt to duplicate or parallel the inquiry being conducted under the auspices of the Foreign Office, which will publish its report. If that report is published speedily, there will indeed be another job to be done. That job can be done only by the Foreign Affairs Select Committee, on behalf of the House.

I hope that the Foreign Secretary will understand the Committee's role. I hope that the House will realise that the Foreign Affairs Select Committee is eager to do its parliamentary job, on behalf of the House. I believe that we shall not be found wanting in that task.

5 pm

Sir John Stanley (Tonbridge and Malling): I found quite breathtaking the Foreign Secretary's claim—in responding to the speech of my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard)—that there had been "no failure of the British Government's policy towards Sierra Leone". However, if the Government's clearly stated policy of resolving the issue by peaceful means had been observed, the junta would still be in place in Sierra Leone. It is extraordinary for the Foreign Secretary to claim that there has been "no failure of the British Government's policy", when the transition to democracy in Sierra Leone was achieved by a policy that was precisely the reverse of the one adopted by the British Government.

Right from the outset, the Foreign Secretary and other Ministers have made it clear that the only policy option that they were ready to contemplate was one of resolving the crisis by peaceful means. I have dug out an answer given to me—as far back as 11 July 1997—by the Minister of State, Foreign and Commonwealth Office, the hon. Member for Manchester, Central (Mr. Lloyd). He specifically stated that the Government's policy was to achieve a "peaceful solution". That policy was reflected in the United Nations resolution.

Perhaps the point that was most illustrative of the Government's policy was made by Baroness Symons, who said in another place:

"we do not endorse the ECOMOG action."—[*Official Report, House of Lords*, 10 March 1998; Vol. 587, c. 100.]

Given the absolutely clear and consistent repudiation of the use of the military option, it really does not stand examination for the Foreign Secretary or the Prime Minister to continue claiming that, in some way, the British Government's policy has been responsible for restoring democracy in Sierra Leone.

I should like to deal with the issue of the possible breach of the arms embargo in Sierra Leone within the context of the Government's overall foreign policy. Ministers have made it clear that the centrepiece of their foreign policy is to put foreign policy on what they describe as an "ethical basis". Time and again, they have made the point that arms control is a central part of such a policy. Moreover, Foreign Office Ministers have repeatedly told us that their proposal to the European Union of operating a new code of conduct on arms exports demonstrates the ethical basis of the Government's foreign policy.

Arms control is a far wider issue than the Government's trivialisation of it—by describing the embargo, for example, as a "hoo-hah"—would seem to indicate. The Government are engaged in enforcement of not only one arms embargo. A very helpful list provided in *Hansard*—on 28 January 1998, in answer to a question tabled by the hon. Member for Rugby and Kenilworth (Mr. King)—showed that, at that date, the British Government were operating a total of 17 arms embargoes in addition to the one on Sierra Leone. My right hon. and learned Friend

the Member for Folkestone and Hythe might like to take an interest in the remaining 17 embargoes, to determine how they are being operated.

So the Government have made arms embargoes and arms control a major part of their foreign policy, with the ethical dimension, at least in a rhetorical sense, accorded the utmost importance. Against that background, it is ludicrous for the Government to dismiss this issue as mere hoo-hah and trivial. The fact is that, the very first time the Government's arms control policy has come under pressure in this Parliament, it has broken apart, so it is a very serious matter.

One central question remains unanswered, and from what the Foreign Secretary said today, it appears that the inquiry that he has set up will deal with it. That question is whether the Government machine was wholly behind Ministers in the execution of the embargo against Sierra Leone, or whether some part of the Government machine was in effect acquiescing in a breach of that policy. Of course, the answer will come out in the findings of the inquiry, but what I find extraordinary about the whole business is the position of Sandline. We are dealing not with a secretive company that was operating covertly, but with one which, according to all the evidence available to date, was operating quite overtly.

There is one material discrepancy between what the Foreign Secretary told us today and what the permanent secretary told the Select Committee on Foreign Affairs last week. The Foreign Secretary said that there had been one meeting between the Foreign Office and Sandline, whereas the permanent secretary told the Select Committee that there had been a great many telephone calls from Mr. Spicer to the Foreign Office. Indeed, he made a virtue of the fact that Foreign Office officials had been instructed not to put the telephone down on Mr. Spicer.

The permanent secretary also said that there had been at least one meeting with Mr. Spicer in the Foreign Office building itself,, and, drawing on his memory—as is clear from the transcript of the evidence—he said that there might also have been meetings between Mr. Spicer and British high commission officials in Conakry. That suggests a much greater degree of contact between Sandline and the Foreign Office. In addition, as we know, the Sandline helicopter operation was carried out in full public view, as has been well recorded in the media.

In other words, we are dealing with a British company which was acting quite overtly and whose operations appear to have been known to a considerable number of officials. Given that Sandline was operating so overtly, why were not officials all over Whitehall and beyond blowing the whistle on it? So far, or certainly up until the point at which we finished with Sir John Kerr's evidence last week, only two whistleblowers have been identified, and neither comes from within the Government machine.

The first whistleblower was Lord Avebury. He wrote to the head of the west Africa department in the Foreign Office on 5 February. As we learned from Sir John Kerr, that letter was copied and made available to the restrictive enforcement unit at its meeting on 18 February. It is surprising that Foreign Office officials had not got it to all members of that unit well before the meeting, but we were told that it was apparently circulated to that important unit on the day of the meeting.

According to Sir John Kerr's evidence, the whistle was also blown by the Canadian newspapers. Apparently, the Canadian newspaper reports were the ones attached to the formal submission by the Foreign Office when it made its request to Customs and Excise to carry out an investigation. It is extraordinary that a Customs and Excise investigation is initiated when a British company has acted in a conspicuously overt way in breaching an embargo, but that, as of today, only two sources have emerged as having questioned Sandline's operations in relation to United Kingdom law and the United Nations Security Council resolution.

Were officials in Whitehall and beyond vigorously supporting the arms embargo against Sierra Leone—I think that this issue should be of much more interest to the Government than it appears to be—or were some acquiescing in a breach of the arms embargo policy? That fundamental question remains unanswered. The present account of events is wholly inexplicable, certainly to any hon. Member who has served in government.

It is incumbent on the Government to take the story back to before 18 February, which is the first date on which it appears the Whitehall machine took notice of Sandline and agreed that the matter should be referred to Customs and Excise. The House is entitled to know whether officials were supporting a Government policy, endorsed by Order in Council and approved by the House, or whether some were acquiescing in a breach of that policy. That is the key information that the House is entitled to have made available to it very soon.

5.16 pm

Mr. David Winnick (Walsall, North): Many of the issues raised by the right hon. Member for Tonbridge and Malling (Sir J. Stanley) will undoubtedly be dealt with by the inquiry which the Foreign Secretary announced today. It is right and proper that those issues should be examined. They are important, and the House is entitled to know what happened. My hon. Friend the Member for Swansea, East (Mr. Anderson) rightly mentioned the role of the Select Committee on Foreign Affairs in this connection. I have every confidence that the inquiry will investigate thoroughly all the matters that have been raised.

There was undoubtedly a breach of the arms embargo. That is one important matter that the inquiry will examine. I am not an apologist for Sandline. I do not know that organisation's motives for doing what it did. It will no doubt tell us—it would be surprising if it were otherwise—that its only concern was to restore and support democratic government. That may be so, but I have a healthy and perhaps understandable suspicion of organisations that deal in arms, and I am not likely to lose that suspicion.

The Security Council resolution to which frequent reference has been made was concerned first and foremost with the junta that had taken power from a democratic Government. It is clear to anyone who reads resolution 1132 that it was concerned with the restoration of democratic government in Sierra Leone. We have to consider it in that light. As I said, I am no apologist for the breaching of any arms embargo or of any Order in Council, but I make a distinction—I see no reason why I should not, even if it is not spelled out clearly in resolution 1132—between a legitimate Government who have been overthrown and a junta. After all, when

[Mr. David Winnick]

numerous Security Council resolutions were passed to condemn the apartheid state in South Africa and demand an arms embargo from member states, surely a clear distinction was made between the objective of those resolutions—to condemn the apartheid state—and the liberation movement.

If there was a fault, perhaps it lay in the framing of the Security Council resolution, which emphasises that only peaceful means should be used to get rid of the junta. That gives rise to an obvious question: if only peaceful means had been applied, what Government would Sierra Leone have now? How long would it have been before the junta was overthrown by peaceful means and negotiations? Those are important questions, although I am not saying that, if the arms embargo was broken by British firms, that should be condoned.

Ms Abbott *rose—*

Mr. Winnick: I give way to my hon. Friend, who has a puzzled frown.

Ms Abbott: With his usual bravura and flair, my hon. Friend has expounded the fashionable theory about the UN resolution: that it was ambiguous and did not mean what it was intended to mean. Does he accept that the Government played a part in drafting that resolution, so, if anyone is to blame for the lack of clarity, it is Her Majesty's Government? Does he accept also that the Orders in Council that we passed are not ambiguous; they are perfectly clear—we are not supposed to have sold arms to or traded arms with anyone involved in the situation in Sierra Leone?

Mr. Winnick: My hon. Friend only emphasises what I said. I am not an apologist for the breaking of the arms embargo, and I am not in favour of operations such as Sandline, but I asked legitimate questions. If only peaceful means had been applied, what sort of Government or authority would there now be in that country in west Africa? It may well be that the resolution could have been better framed. It is not unknown, even within the Labour party, for the drafting of such well-meaning resolutions to need improvement. There is not much difference between my position and that of my hon. Friend.

At the weekend, I read a comment that there is no real difference between the Government being restored in Sierra Leone and the rebel forces. I do not accept that. First, genuine elections took place on 26 and 27 February 1996. The Commonwealth observer group reported that the elections undoubtedly allowed those registered voters an opportunity to vote freely and without interference. There seems to be no doubt that those were genuine elections, and we welcomed them at the time.

On 11 March 1996, Baroness Chalker, who has been much involved in elections in various parts of the world, welcomed in the other place "the favourable judgment" of the international observers I have just mentioned. Sierra Leone had an elected Government, after all the coups and dictatorships, which my hon. Friend the Member for Swansea, East (Mr. Anderson) rightly mentioned, since the country ceased to be a colony in 1961.

The forces against the elected Government have continued to operate. My hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) may be interested to know that, in a report from Freetown in *The Guardian* on Saturday, Gary Younge said that the controversy in the countryside relates to a different form of arms—the arms and legs that are being cut off by the rebel forces. In the local hospital there are many casualties of the rebel forces, who have not given up, although they have been cleared out of the capital.

The report in *The Guardian* also said:

"All the fuss in England about arms being sent in support of President Kabbah's restoration . . . is being raised by people who do not know the pain that Sierra Leone has been through. If they did, they would not pick diplomatic nits over who in British officialdom knew what, when, or about which UN resolution was violated in exporting arms to oust the junta."

I emphasise again, so that there is no misunderstanding, that I am not in favour of arms embargoes being broken. Orders in Council should be observed, and the inquiry must examine the matter, but the people concerned have suffered under a dictatorship, if only for a short time, the atrocities committed by the rebels who have been ousted from the main part of the country. Perhaps understandably, even though they are Africans—Conservative Members perhaps do not understand the wish of people in Africa, like those in Europe, to live under a democratic Government—they do not take a nit-picking attitude. They are simply pleased that once again they have a democratic Government.

Dr. Julian Lewis (New Forest, East): The hon. Gentleman is taking a tremendously long time to tell us what we know already; perhaps he will tell us one or two things that we do not know. Is he saying that it was right and a good thing for that vicious regime to be overthrown by force? I think he is, and, if so, must he not condemn his Government for having drafted and signed up to a UN Security Council resolution that, in his own admission, made it most unlikely that the regime could be overthrown by force?

The hon. Gentleman cannot have it both ways: either it was right for the regime to be overthrown by force, in which case the Government were wrong to sign up to the resolution, or it was wrong for the regime to be overthrown by force, in which case the Government were right to sign up to the resolution.

Mr. Winnick: The hon. Gentleman is simply trying to be clever. Of course it is not possible in every case where a Government have been overthrown to say that military force should have been used. The Opposition did not criticise Security Council resolution 1132 at the time it was passed.

Surely it is right and proper that, in a debate such as this we should ask, although the resolution referred to peaceful means, whether it is possible to get rid of such a junta without force. That is a legitimate question. It does not mean that the British Government had to say, in relation to Sierra Leone or other countries where democratic Governments have been overthrown, that military force should be used, but, as a Back Bencher, I raise that question. I have already said that there may have been a defect in the resolution.

I wonder how much the hon. Member for New Forest, East (Dr. Lewis), who is nit picking, is concerned with democracy, in Africa or elsewhere.

Dr. Lewis *rose—*

Mr. Winnick: That was a rhetorical question, but if the hon. Gentleman is so keen to intervene, I will give way.

Dr. Lewis: My record of supporting democracy against totalitarian regimes is a great deal better than that of the vast majority of Labour Members, including the Minister of State, Foreign and Commonwealth Office, the hon. Member for Manchester, Central (Mr. Lloyd), as I will point out if I am fortunate enough to catch your eye, Mr. Deputy Speaker.

Mr. Winnick: The hon. Gentleman did not protest when the Government in Chile were overthrown, and he did not protest against the junta in Argentina, so that is hypocrisy.

Mr. Malcolm Savidge (Aberdeen, North): Does my hon. Friend agree that, according to most reports, the actions of ECOMOG forces, not the arming of people in Sierra Leone, led to the overthrow of the military junta?

Mr. Winnick: My hon. Friend is absolutely correct.

Mr. Bayley: It seems that the great democrat, the hon. Member for New Forest, East (Dr. Lewis), has not read the UN Security Council resolution. Had he done so, he would have realised that it mentions ECOMOG, the military observer group of the Economic Community of West African States, and gives it a role.

Mr. Winnick: Indeed, although the resolution goes on to say that the overthrow should be achieved by negotiation and peaceful means. These matters are of importance not because of nit-picking or whether a Minister gave this answer or that answer, but because, as we approach the next century, we should be concerned with trying to establish democratic government in all countries on all continents. To do so is essential.

In considering arms and presumed arms scandals, which the Opposition are so keen to build up today, it is important that those who criticise do so with clean hands. I find it very difficult to take seriously the concerns expressed today by former Ministers and former Government Back Benchers who made no protest over the export of arms to Iraq—to the most murderous dictatorship of Saddam Hussein—and who allowed arms to be exported to Argentina, right up to the very day of the Falklands invasion.

Yes, there are points in this matter that need to be considered and, yes, it is right for my right hon. Friend the Foreign Secretary to set up an inquiry, but to try to compare this matter with some great scandal along the lines of arms to Iraq or arms to the Argentine junta is absolute nonsense. The matter must be considered in its proper light. That is why I believe that my hon. Friends will have no hesitation in supporting the Government's amendment.

5.30 pm

Sir Raymond Whitney (Wycombe): The speech of the hon. Member for Walsall, North (Mr. Winnick) was a fascinating insight into not only the confusion that reigns in his mind but the confusion that reigns on the Labour Benches generally. Over the years, the hon. Gentleman has sought assiduously to build a reputation as a high-minded peace campaigner—I do not think that he would resile from that definition—but, in his speech today, we saw another persona. We saw a swashbuckling advocate of a coup de main to whom the end always justifying the means. One might normally find such a characteristic on the Conservative Benches, not among the ranks of the hon. Gentleman.

Mr. Winnick: I hope that I am a campaigner for peace. The hon. Gentleman should, however, know that I enthusiastically supported the British forces in the invasion of the Falklands and was the first person in the House of Commons to demand military action against Saddam Hussein. I am afraid that my speech today represents no departure.

Sir Raymond Whitney: I do not want to damage the hon. Gentleman's reputation, but I must say that his reputation for consistency is seriously in jeopardy. I advise him to read in tomorrow's *Hansard* what he has just said. I think that he will be a little regretful of the extraordinary dichotomy of views.

The confusion in the mind of the hon. Member is completely outmatched by the Government's extraordinary confusion and the farrago of nonsense that they have presented over the past fortnight. My charge against the Foreign Secretary is not based on any allegation that he may have misled the House, been economical with the truth or turned 180 deg, having discovered that what he considered a serious event his Prime Minister thought was a little hoo-hah. All those allegations may be true; I suspect that many consider that they are. My charge against the Foreign Secretary—I am sorry that he is not present—is that, over the past year, he has not only presided over, but has been responsible for, the virtual destruction of a considerable asset: the Foreign and Commonwealth Office.

I joined the Foreign Office in 1964 and was privileged to be a junior Foreign Office Minister, so I recognise that I am somewhat parti pris—I may be a little biased. Having been a member of that institution does, however, give me some right to know how it is respected throughout the world. It is a convention in smarty-pants writing in the press and among business men who sometimes cannot manage their own affairs to denigrate the Foreign Office, but those who really know—the business men who understand how to get the best out of the Foreign Office and the political commentators who understand the complexities of international relations—appreciate that it is a great national asset.

It is an occupational hazard of Foreign Offices in any country to be the messengers from overseas, delivering messages that are not always welcome to domestic Governments. Countries and interests that conflict with our interests and obligations have somehow, sometimes, to be reconciled. It is my strong view that, year after year, in the conduct of foreign policy, in the reconciliation of the real world with British national objectives, the Foreign

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Office has a very fine record. The high regard in which our Foreign Office was—as has been suggested—held in the rest of the world should be recognised.

With regard to the affair in Sierra Leone, we have been invited day after day over the past fortnight to believe the unbelievable. We have been asked, for example, to believe that a group—not one person, but a group—of senior and middle-ranking officials in the Foreign Office and other Departments have conspired to work against the declared policy of Her Majesty's Government. That is totally unbelievable. Anyone who has had the slightest experience in the Foreign Office—be it at official or ministerial level—knows that the opposite has been so.

Indeed, I think that the trend has moved in the wrong direction. Over the years, officials have insisted more and more on clearance, one level up, for anything—certainly anything of the nature of the matter that we are debating. It is totally impossible that this matter could have been continued or launched without any suggestion that political ministerial clearance should be obtained. That has been the trend for many years. When I was a junior Minister, I tried to counter it. I said, "Come on, chaps, you are high-powered people, you are paid to do a lot. Okay, there is political responsibility, but the balance is shifting in the wrong direction." However, the trend has continued.

It is even more inconceivable that, given a new Labour Government, the Foreign Office would have responded in such a way over the past 12 months. On the contrary, officials, to whom, obviously, I am no longer directly connected, would have been even more cautious given a new Government, a very hefty political mandate, something called an ethical foreign policy and a new Foreign Secretary who is—how charitable should I be—not exactly emotionally in tune with the Foreign Office's mores and approach.

I shall not go too much into the affairs of the Foreign Secretary's diary secretary, and all the rest of it; suffice it to say that he performed appallingly in India and Pakistan. We are told what a clever man he is, but it was not very clever of him to think that he could say one thing to the Pakistanis, quite the opposite to the Indians, and get away with it. Of course, he did not get away with it. He did not get away with many things, and everyone knows that.

Mr. Denis MacShane (Rotherham): Nonsense.

Sir Raymond Whitney: Someone shouts, "Nonsense." Let them challenge what I have said. How on earth can Labour Members explain what happened in India and Pakistan except by saying that the Foreign Secretary was trying to be too clever by half? Everyone knows that that is exactly what happened. We are being asked to believe that Foreign Office officials said that they would go ahead, break the arms embargo and get into bed with a private company, and to hell with the Foreign Office.

Now we are being asked to believe that the Foreign Office lost a telegram. That seems to be accepted in all reports. The Foreign Office does not lose telegrams. To put it at its most basic, they are serially numbered; when Washington telegram 1003 arrives, and the last one received was Washington 1001, someone in the great machine will ask what happened to 1002.

Let us assume that a telegram comes from the high commissioner in Sierra Leone, saying that he has decided to have a go at breaking the arms embargo. Is it conceivable that the private offices of the Minister of State or the Secretary of State would just shove it to the bottom of a pile, put it in a box, and, when it came back, say, "Well, we know that the Foreign Secretary is too busy thinking great thoughts and does not want to get involved in detail, so perhaps he has not initialled it, but never mind, let us pass it on"? That is unbelievable nonsense.

Mr. Tony Baldry (Banbury): Does my hon. Friend—a fellow former Foreign Office Minister—agree that it is truly incredible to believe that any telegram from the high commissioner in Sierra Leone that related to these matters would not have been put in the Minister's box? It is simply unbelievable that a telegram of that importance did not go into a box—whether it was read is, of course, another matter.

Sir Raymond Whitney: I would go further than my hon. Friend. It would be put in the box, and when a telegram of that importance came back unticked, any private secretary would have gone to the Minister to ask whether he had seen it and understood its import. We are asked to believe that, before the Minister of State appeared before the Select Committee on Foreign Affairs to discuss Sierra Leone, he was not told that the Foreign Office had asked Customs and Excise to examine the breach of regulations. That is just one more unbelievable proposition.

The final nail in the coffin occurred last week, and concerned the permanent under-secretary at the Foreign Office. I have known Sir John Kerr for perhaps 35 years, and he is, by anyone's definition, an intelligent man. What happened last week was not the action of an intelligent man. It cannot be explained by Sir John's getting it wrong, being unclear or having an uncertain memory. He knew how important was his examination by the Select Committee. He is a man of meticulous industry, coupled with intelligence. It is unbelievable that he got into the mess he did; but, when he went back to the Foreign Office that lunchtime, something funny happened on the way to King Charles street—I say no more than that.

Dr. Jenny Tonge (Richmond Park): The hon. Gentleman has repeated the word "unbelievable" over and over. I appreciate that, as an ex-civil servant, he wishes to defend his ex-chums, but I remind him that the Foreign and Commonwealth Office was capable in the early 1980s of losing an entire report on the condition of the Montserrat volcano. That report did not surface for more than 10 years. I fear that the Foreign Office is capable of losing and forgetting things.

Sir Raymond Whitney: The hon. Lady must refer to a little internecine warfare between what is now called the Department for International Development and the Foreign Office. That is quite another matter. She is on completely the wrong track.

Dr. Tonge: Will the hon. Gentleman give way?

Sir Raymond Whitney: I am sorry, but I must finish.

The onus is on the Foreign Secretary himself. We must understand why he refuses, against all evidence and all precedent, to have a proper examination by an independent agency—a High Court judge—at a public hearing. This is the most extraordinary development. It is not some little matter—as some Labour Members and members of the press occasionally argue—but a fundamental undermining of a great asset of the nation, which can be restored only by some serious reconsideration by the Foreign Secretary of his position.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Before I call the next speaker, I remind the House that a large number of Members are trying to catch my eye, and it would be helpful if speeches could be kept a little shorter.

5.44 pm

Ms Diane Abbott (Hackney, North and Stoke Newington): It is regrettable that the House may lose sight of the serious issues underlying recent events in the parliamentary tit for tat. It is to those issues that I want to address my remarks.

Sierra Leone is not some far-off country of which we know nothing. It is a member of the Commonwealth, and we have a long-standing historical connection with it, and moral responsibility for it. One of my themes will be that, because of its position as a member of the Commonwealth, and because of our responsibilities, some people might have expected Ministers to keep a closer eye on events. What matters is not only whether the good guys won—this week or next week—but the process by which they did it and the implications that that will have for the future of Sierra Leone and a whole region torn by instability, which includes Liberia and Nigeria.

Hon. Members who have spoken have been told that they are not really interested in Sierra Leone. Perhaps I can be excused that slur: I am a member of the Foreign Affairs Committee, I have a long-standing interest in Africa and the Commonwealth, and my constituency contains large numbers of people from Sierra Leone who have come to me since before last May's election to tell me what their Government are doing, and to tell me their fears and hopes.

The hon. Member for Richmond Park (Dr. Tonge) said that Sierra Leone is a poor country. The saddest thing is that it is not. Sierra Leone has bauxite and gold; it exports cocoa and coffee. Above all, Sierra Leone exports diamonds. One of the most serious underlying issues is that the country is potentially rich, and it ought to be able to guarantee each of its citizens a decent standard of living, decent health care and decent housing. If it is impoverished today, it is because of recurrent political instability, and because of a type of underhand western intervention and the activities of mercenaries.

That is why this issue is not just a hoo-hah. That is why it matters. When we trace the threads of the affair, and the relationships between Government officials, mercenaries, diamond dealers, arms dealers and financiers, we see the pattern that underlies much of the tragedy and instability across the region. That is why some of us have taken a consistent interest in the affair.

Let me remind the House of the history of Sierra Leone since it was made independent in 1961. There was an army coup in 1967, when the governor-general had to leave. In April 1968, there was a counter-coup. In 1967, the presidential election had only one candidate—we might call that the premature-Abacha model. In 1978, a one-party state was introduced. In 1982, the elections were ruined by violence. In 1987, there was an attempted coup, the leaders of which were executed. In 1992, there was a counter-coup, and a military regime was installed under Captain Valentine Strasser.

In 1996, there was another coup, by Strasser's deputy. There was also the election of which we have heard so much, but the House needs to be reminded that the backdrop to the election was civil war, instability and incursion by Liberian troops—which highlights the complication of the relationship between Sierra Leone and Liberia. There were also the activities of the South African-based mercenaries—Executive Outcomes—who are closely connected with Sandline. Between 1996 and 1997, there were four coup attempts against President Kabbah. In 1997, there was Koroma's coup.

I set out those dates not to impress the House with my knowledge of recent events, but to highlight the fact that the tragic history of Sierra Leone has been one of coup and counter-coup, mercenary intervention and counter-intervention, civil war, rape and—above all—constant bloody armed struggle for control of resources. That is why what matters is not which side wins this month, this year or the next, but the process. That process—western intervention, mercenaries, gun running and diamond dealers—has reduced the people of Sierra Leone to the poverty that we see today, and is causing the people from Sierra Leone I know so much anguish and anxiety.

That is why it is wrong to dismiss this whole affair as "hoo-hah". We are talking about a pattern of events that has reduced that potentially rich region—when Britain left it, post-empire, it was potentially wealthy and could have guaranteed its people a decent standard of living—and the adjoining regions to the state in which we see them today. The House is focusing on that pattern of events.

Ministers have told us that President Kabbah is pleased to have been reinstated, and I am sure he is, but I suspect that ordinary people in Sierra Leone would have been even more pleased if there could have been a peaceful resolution, and more pleased still if this Government were pursuing policies that would once and for all draw a line under Sierra Leone's bloody history of mercenaries, coups and counter-coups. From what I heard in the Select Committee and read in newspapers, it is not clear that the Government have been pursuing such policies. Even if their policies represent a good outcome this week, it is not clear that they represent a definite departure from that terrible history.

As a member of the Foreign Affairs Select Committee, I was glad to hear its Chairman, my hon. Friend the Member for Swansea, East (Mr. Anderson), tell the House that he sees a role for that Committee in looking into these events, and that we would press ahead with that work. Many hon. Members welcome that. However, I must take this opportunity to talk about the evidence that the Minister of State, my hon. Friend the Member for Manchester, Central (Mr. Lloyd,) gave the Committee. Those of us who have queried it, or who have even asked questions of the Minister of State, have been roundly

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abused for not showing sufficient loyalty towards the Labour Government. We have been accused of nit-picking and self-importance.

In a modern Government, as we approach the millennium, given the large and varied scope of Government activities, Select Committees play a key role in ensuring the accountability of Ministers. If Ministers are to be accountable to the House and ultimately to the people we represent, it is fundamentally important that they come before Select Committees in good faith and that they do not mislead the Committees of the House, either intentionally or unintentionally. When the Minister of State came before the Select Committee, he made not merely errors of interpretation, but a number of statements that have since been proven to be false. For example, he said:

"because there is an outside inquiry by Customs and Excise at this moment in time we could not authorise an independent inquiry."

Well, what do you know, the Foreign Secretary came before us the very next day and told us that he had authorised an independent inquiry. The Minister of State also said:

"the first I knew of this story was also on Friday night and there has not been a chance for me to be briefed beyond what the Foreign Secretary had issued by way of statements over the weekend."

We now know that papers went to the Minister of State rather earlier than that.

I cannot boast that I have been a Minister, as other hon. Members have, but I was a career civil servant and I know this: when a Minister is sent a document for noting, he is supposed to read it. To talk of documents being sent to Ministers for noting as though it were some abstract process in which there is no connection between the information on the page and the Minister's brain is clearly contrary to everything that I know about the way in which a private office operates. I am grateful for this opportunity, even as a humble ex-administration grade civil servant, to put that on the record.

Even during his evidence, the Minister of State contradicted himself. He said:

"I have not had an opportunity to speak to the Foreign Secretary."

A few paragraphs later, he said:

"I spoke briefly to the Foreign Secretary over the weekend."

He said:

"I am only aware of Sandline's activities in terms of what has been reported in the newspapers",

and, later:

"Clearly I have read the newspapers, I have information from that base".

I could continue, but I will not do so because I hope that the Select Committee will have the Minister of State back in person to explain a series of misrepresentations to the Committee.

I say sincerely that, for me and for many Labour party supporters outside the House, it is not good enough for Ministers to tell the Select Committee that all they know of events in Sierra Leone is what they read in the newspapers. Many people outside the House who worked for 18 long years to return a Labour Government believed that that Government would take Commonwealth issues and those relating to the rule of law there and, indeed, to Africa, far more seriously than the previous Government. It may cut ice with the Opposition, but it cuts no ice with Labour supporters to hear the Government say that they are merely replicating the procedures that obtained under the Conservative Government. Millions of people outside the House expect something rather better from a Labour Government.

Mr. Winnick: I hope that I am also capable of criticising the Government, but I am not sure whether my hon. Friend has touched on the central point. She says that the Labour Government should give a lead and so forth in the Commonwealth. Will she say how we should have dealt with the junta? Was it right to take the view that only peaceful means could get rid of it? Or does she think that in certain circumstances military means—although certainly not the sort of methods that were used—should be used?

Ms Abbott: My hon. Friend asks a reasonable question, and I would ask one of him. Of all the members of the Security Council the British Government were bound to have the best, the most long-standing and the most up-to-date knowledge of events in Sierra Leone. If, at the point of drafting the resolution, the Government thought that it would not be possible to remove the junta by peaceful means, why on earth did they draft the resolution in those terms? Why did we pass the Orders in Council in those terms?

Colleagues cannot get away with the spin of the day, which is, "Oh, well. The UN resolution was a bit vague and woolly. No one knows what it meant." We knew what it meant—we were on the Security Council and we knew more about Sierra Leone than anyone else. If we thought that it was not possible to remove that regime by peaceful means, we should never have put our name to that resolution.

I cannot leave the subject of the Minister of State's evidence to the Select Committee without referring to Sir John Kerr. I have not known him as long as many other hon. Members have, but I must say that for someone of his eminence to come before the Select Committee and then, within hours, to use the rather inept formulation that he had had the opportunity to reflect and look at the files, is not credible. Sir John Kerr must have known that when Ministers knew was at the heart of parliamentary interest in this issue. We are asked to believe that he made a genuine error about when Ministers knew, which is beyond belief. If he really made an error of that nature, the civil service is not what it was when I was a trainee.

In the tit for tat and media frenzy about the issue, a number of questions have been asked over and again. What did Ministers know and when did they know? I would ask a third question, which is why did they not find out? As someone who worked in the civil service, albeit as an administration trainee, I know that there would have been a wealth of information about the meetings with Sandline. There would have been memoranda, minutes, telegrams and Security Service briefings.

I have to take Ministers at their word when they say that they did not know, but, if they did not know, I want to know, as someone who is genuinely interested in Africa and who realises that many people in Africa look to this Government to take a stronger and more ethical interest in them than previous Governments have done, why Ministers did not ask. I do not believe that, if civil servants had been asked to give the fullest possible

briefing, they would have held back information. Whenever I have heard the Government's version of events, the question that has gone through my mind over and again is not what Ministers knew, but why they did not ask.

I am surprised that the inquiry's terms of reference, which are in the Library, contain nothing about whether UN sanctions were breached. They say:

"The investigation will look into these allegations with a view to establishing . . . what was known by Government officials . . . and Ministers . . . whether any official encouragement or approval was given to such plans . . . and . . . if so, on what authority".

A breach of UN sanctions is not mentioned. I was a humble civil servant, but I learned a thing or two about how to fix an inquiry. Opposition Members have focused on who will conduct the inquiry, but, as an ex-trainee mandarin, I know that one way in which to fix an inquiry is through the terms of reference. How strange that, after all the debates on UN sanctions—on not only Sierra Leone, but Iraq—this well-trumpeted inquiry should be set up with nothing in the terms of reference about whether UN sanctions had been breached.

Mr. Menzies Campbell: The hon. Lady conducts a penetrating analysis of the terms of reference. Does she agree that it is all the more strange to appoint as the chairman of the inquiry someone who, although he is described as a distinguished lawyer, will not, under the terms of reference, have to exercise his legal expertise?

Ms Abbott: I am grateful to the hon. and learned Gentleman. The chairman is said to be a distinguished lawyer, yet he is not supposed to look into the central legal issue—whether UN sanctions were breached.

Dr. Julian Lewis: In support of the hon. Lady's point, may I remind the House that, on 6 May, the Foreign Secretary stated:

"I accept that if there has been a breach, that is a very serious matter which must be fully and openly investigated so that the full facts can be established."—[*Official Report*, 6 May 1998; Vol. 311, c. 726.]?

Ms Abbott: I am at a loss. It is hard to square the terms of reference with the focus of the debate on Sierra Leone so far—it has been like Hamlet without the prince. We shall have an independent inquiry—the Foreign Affairs Select Committee will consider with all due energy the areas into which we believe that we can usefully inquire.

Ministers may have paid insufficient attention to Sierra Leone because they thought that little events in some Commonwealth country were marginal to the Government's big picture—I do not know. However, the Government should remember that many of the people—in this country and abroad—who waited long years for a Labour Government hoped for a different approach to foreign affairs, in terms not only of ethics, but of rebuilding and breathing new life into our relations with the Commonwealth.

Many people in this country and in the Commonwealth are looking to what the Government now do and say about Sierra Leone. They want to know whether the Government are genuinely interested in and committed to Commonwealth countries such as Sierra Leone. The Commonwealth may not be terribly new Labour, but we owe it a moral and political debt. For as long as some of us are Members of Parliament, we shall try to ensure that that debt is paid.

6.3 pm

Sir Peter Emery (East Devon): In following the hon. Member for Hackney, North and Stoke Newington (Ms Abbott), who is one of my companions on the Foreign Affairs Committee, I make it absolutely clear that this debate is meant not as criticism of what happened in Sierra Leone—I am delighted that the democratic Government were restored; if force was necessary, so be it—but to hold the Foreign Office to account about the proceedings and to determine whether it was efficient in dealing with the problem.

My worry is that the Foreign Secretary has decided not to hold the inquiry in public. If it is carried out by someone who has spent the whole of his working life in the civil service, assisted by someone else who has spent much of his working life in the civil service, and comes out in support of the Government, some people will shout whitewash—anyone who denies that does not live in the real world. Why not—as the Labour party demanded time and again in opposition—refer the matter to the Foreign Affairs Committee? It could conduct an inquiry in the terms outlined by the hon. Member for Hackney, North and Stoke Newington, as it has the power to summon Ministers and other persons and to call for papers.

Mr. Crispin Blunt (Reigate): Does my right hon. Friend agree that, as the hon. Member for Hackney, North and Stoke Newington (Ms Abbott) described it, the choice of who will chair the inquiry and its terms of reference sound like a script of "Yes, Minister"?

Sir Peter Emery: I was about to say that—my hon. Friend takes my better lines.

The hon. Member for Hackney, North and Stoke Newington mentioned the terms of reference, which include:

"what was known by Government officials . . . and Ministers about plans to supply arms . . . whether any official encouragement or approval was given to such plans or to such supply; and . . . if so, on what authority".

They do not include the factor that is of major relevance—whether the actions of Ministers or officials could be interpreted as wishing to give encouragement to Sandline to remove the rebel Government. That is the factor that needs inquiry.

On Thursday, I asked Sir John Kerr whether Mr. John Everett, Mr. Craig Murray, Mrs. Linda St. Cook, Mr. Tim Andrews and Mr. Philip Parham had had some contact with Sandline—he said that they had. I then suggested that, given the efficiency of the Foreign Office, notes and memoranda would have been made. Sir John agreed immediately. When I told him that the Foreign Affairs Committee wanted to see those notes and memoranda, he—if I may be somewhat unkind—hoo-ed and hah-ed a little before suggesting that that could not happen because of the Customs and Excise inquiry.

Now that the customs inquiry is out of the way, the Committee should have the papers immediately, as they will prove whether what the Government are suggesting can be substantiated. If, as the Prime Minister says, the Government want to be open and to hide nothing, why are not the telegrams about aspects of Sierra Leone and the west coast of Africa to the Foreign Office available for scrutiny, as the Committee demanded more than 10 days ago? It has been said that they are not for general

[Sir Peter Emery]

circulation, but there is a precedent—members of the Committee have been asked to examine the telegrams in the Foreign Office. We must ensure that that is done.

If there is nothing to hide, why the restriction? As soon as there is restriction, people immediately suspect that there is something to hide. If the Government are so determined to clear their name, let us have the political facts out in the open—the matter is no longer ultra vires, as there is no prosecution.

I find it amazing that the Foreign Office should refer to the restrictive enforcement unit—of whose existence Sir John said that he did not know—on 18 February, as we were led to believe that nothing had happened until the Foreign Office sent the letter on 10 March. That is also of considerable importance and illustrative of the way in which Ministers are trying to sidestep the issue.

Earlier, I asked the Foreign Secretary how many references relating to arms and a United Nations resolution had been made to Customs and Excise. Undoubtedly, many references were made on a host of different subjects, but who can really believe that a reference on arms, on the breach of a United Nations resolution, is not important enough to be referred by civil servants to a Minister? Moreover, who can really believe, in all honesty, that civil servants would not do so for two and a half months? I cannot believe it, so I think that there is something that we must get to the bottom of.

There are only two alternatives. Either the matters were referred to Ministers and Ministers either did not see them or did not want to see them, so Ministers must be held to account; or the Foreign Office did not send them to Ministers—we must ask, why not?—in which case the Foreign Office is at fault. It must be one or the other, and in either case the buck stops with the Foreign Secretary. Whether or not the Foreign Office was wrong, he must be held responsible; and I believe that the Foreign Affairs Committee of the House has the power and the right to carry out an inquiry, so that we may get to the bottom of this.

6.11 pm

Mr. Hugh Bayley (City of York): The right hon. Member for East Devon (Sir P. Emery) is the first Conservative Member unequivocally to welcome the fact that Major Koroma's regime was toppled by the action earlier this year. Conservative Members, including those on the Front Bench, have displayed a certain naivety by concentrating on the minutiae—the little issues of administration at the Foreign Office—to the exclusion of issues of policy.

No one in any part of the House disputes the fact that the election of President Kabbah in 1996 gave us, for the first time for a very long time, a democratically elected Government in Sierra Leone. If development is to take place in Sierra Leone—which my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) was talking about—a precondition is that there should be the rule of law under a democratically elected Government. When President Kabbah was overthrown, that went out of the window. He was replaced by a regime that brought down upon itself worldwide condemnation.

The Amnesty International report published in October 1997 recorded that the rule of law simply did not exist in Sierra Leone. It drew attention to widespread abuse and violation of human rights, to arbitrary arrest, torture, rape and looting, and to reports of extra-judicial executions. All parts of civil society in Sierra Leone were opposed to that regime and to the coup.

Mr. Blunt: The hon. Gentleman is giving a graphic account of the appalling situation in Sierra Leone, yet our Government were complicit in enabling that regime to stay in power, by their drafting of the United Nations Security Council resolution, and by the fact that they were prepared to ensure that the only institution that could overthrow that regime—ECOMOG—was not allowed, under the terms of the Order in Council, to receive arms and assistance from this country. The Government were adopting a policy of Pontius Pilate, washing their hands of the Sierra Leoneans, who were dying in their droves. I hope that the hon. Gentleman will note that what we did was to give them money, and give them a radio broadcast so that President Kabbah could invite them to rise in revolt. We did not have the necessary will to support them in that task.

Mr. Bayley: I have seldom heard such arrant nonsense. The hon. Gentleman should read the UN Security Council resolution again, very carefully. It does not, as he suggests, rule out any role for ECOMOG. That role is included. The resolution also says that, every 30 days, ECOWAS must report to the committee supervising the sanctions on what is happening. In my opinion, the Security Council resolution, read in conjunction with the three statements made last year by the Security Council, does not make it clear that sanctions were broken by any British party. That is something for the inquiry to establish, but unlike many hon. Members, I do not take it as read that that is cut and dried.

Dr. Julian Lewis: Will the hon. Gentleman give way?

Mr. Bayley: No; I must make progress.

I draw the attention of hon. Members on both sides of the House to the fact that the statement issued by the Security Council in February, after the regime was overthrown, said that it welcomed

"the fact that the rule of the military junta has been brought to an end"

and encouraged

"the Military Observer Group of ECOWAS (ECOMOG) to proceed in its efforts to foster peace and stability in Sierra Leone."

If, as Conservative Members are suggesting, the UN Security Council resolution did not consider that there could be any circumstances in which military action could take place, the Security Council would not have made that statement.

Mr. Gapes: Can my hon. Friend confirm that the United Nations Security Council resolution adopted in October 1997 specifically expresses strong support for the efforts of ECOWAS, and that ECOWAS is the regional organisation whose military arm is ECOMOG? Therefore,

the UN Security Council was supporting the actions of ECOWAS and its forces to restore democratic government in Sierra Leone.

Mr. Bayley: My hon. Friend is absolutely right. That is what the Security Council resolution says, and what Conservative Members are seeking to ignore.

Mr. Andrew Robathan (Blaby): Will the hon. Gentleman give way on that point?

Mr. Bayley: No. I am afraid that, because of shortage of time, I cannot give way.

Conservative Members also seek to ignore the fact that paragraph 7 of the resolution makes it clear that it applies differently to the two Governments—to the democratically elected Government in exile and to the then illegal Government of Johnny Koroma within the country. The Security Council welcomed the overthrow of the Koroma regime because it was the policy of the Security Council that the democratically elected Government should be reinstated, and it was seen from the start that ECOWAS and its military arm, ECOMOG, would have a crucial role in ensuring that that took place.

Mr. Blunt: Will the hon. Gentleman give way?

Mr. Bayley: No; I will not give way to the hon. Member a second time.

Of course hon. Members would be happier if the overthrow of Koroma's regime had been achieved by peaceful means. The Conakry agreement required Koroma to pass over power to the constitutional Government; it would have been much better if he had decided to do so, but he did not, and it was obvious that a peaceful surrender of power was not going to happen.

Like other hon. Members, I am uneasy about the involvement of the Nigerian regime in military action in west Africa, but in practice, if there was to be a military component in the solution, it had to involve either Nigeria or South Africa—and the latter made it clear that it could not participate. Paragraph 7 of the UN resolution makes specific provision for proposals for military action to be considered, because it gives power to ECOMOG to seek exemption from the terms of the Security Council resolution—

Mr. Robathan *rose—*

Mr. Bayley: I have already told the hon. Gentleman that I do not have time to give way.

It is quite clear that no exemption was sought before the military action, but had it been sought, ECOMOG would simply have been announcing its intention to take action. It is naive of Conservative Members to pretend that justice could have been done and that the constitutionally elected Government could have been restored had we simply resorted to talks. Action was necessary, and when military action is taken in west Africa, Marquess of Queensberry rules just do not apply.

6.20 pm

Mr. David Faber (Westbury): This has been a good debate. I warmly congratulate my right hon. and hon. Friends on their speeches; I also congratulate the hon. and learned Member for North-East Fife (Mr. Campbell) and the hon. Member for Hackney, North and Stoke Newington (Ms Abbott). In a splendid speech, the latter delivered a devastating indictment of Labour Ministers.

It will not have escaped the notice of the wider world that at no time in the past two weeks have Ministers come voluntarily, at their own instigation, to the House to offer an explanation for this extraordinary affair. They have been summoned by the private notice questions tabled by my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) and by the Foreign Affairs Select Committee. Today, once again, it has been left to the Opposition to try to elicit answers to important questions.

The ministerial code of conduct, complete with its stirring foreword by the Prime Minister, tells us that Ministers

"have a duty to Parliament to account, and to be held to account for, the policies, decisions and actions of their Departments . . . It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity".

Mr. Blunt: In the debate on Sierra Leone on 12 March, the Minister of State spoke of an article in *The Observer*, which referred to

"Britain's talks with hired killers, and about the Foreign Office admitting our ambassador's link to notorious mercenaries".

The Minister said:

"The suggestion that Britain was conspiring with hired killers is wrong, and I wish to make that clear on behalf of the Government."—[*Official Report*, 12 March 1998; Vol. 308, c. 844.]

On 23 December, President Kabbah had been in direct contact with Sandline on the telephone in the morning; on the same day, our high commissioner had lunch with officers of Sandline; and a contract was concluded between President Kabbah and Sandline by fax that afternoon. That suggests that the Minister inadvertently misled the House.

Who is kidding whom? Was the high commissioner kidding the Minister of State, or was the Minister of State kidding the House?

Mr. Faber: I am not in possession of the facts about that meeting, but it clearly predates any dates about which we have already been told. Perhaps the Minister will confirm that at the end of this debate.

The code of conduct for Ministers goes on:

"Ministers should be as open as possible with Parliament and the public, refusing to provide information only when disclosure would not be in the public interest".

The truth is that, when it comes to the Foreign Secretary and the Minister of State, information has to be prised out of them in a process more reminiscent of drawing teeth than of open government. They have consistently failed to reach the standards expected of them, and have at best bent and at worst broken the ministerial code.

Evidence given to the Select Committee on two occasions has had to be retracted or corrected. Collective amnesia seems to have gripped the corridors of the Foreign Office; the Foreign Secretary's speech today yet again utterly failed to clear up many of the unanswered questions posed by my right hon. and hon. Friends. We welcome the setting up of the inquiry, but our admiration of Sir Thomas Legg as a distinguished civil servant

[Mr. Faber]

notwithstanding, I echo the concerns expressed to the effect that someone should have been picked from outside the civil service, preferably a learned judge. We condemn the fact that, for reasons that the Foreign Secretary did not adequately lay out, the inquiry is not to sit in public, and its terms of reference are wholly inadequate—as the hon. Member for Hackney, North and Stoke Newington pointed out.

It is right that the inquiry should embrace the Ministry of Defence, but should it not also include the Department for International Development, since aid would have been delivered with the assistance of Sandline? As the hon. Member for Hackney, North and Stoke Newington rightly said, the inquiry should consider whether arms were supplied in breach of the UN resolution and the Order in Council.

It is perhaps worth quoting the statement issued by Customs and Excise this very afternoon. It is extraordinary that the Foreign Secretary did not choose to read it into the record this afternoon, and that it has not been supplied to the House. It says:

"Even though offences may still have been committed, the particular circumstances leading up to the supply affect the fairness of the case to the extent that any prosecution could well fail and would certainly not be in the public interest."

That is both a staggering admission and a damning indictment of the Foreign Office. The absence of a prosecution, therefore, does not imply that there was no breach of the embargo; and it is ludicrous that the inquiry should not look into any such possible breach. As the hon. Member for Hackney, North and Stoke Newington said, the terms of reference have been well and truly fixed.

The Foreign Secretary told us that only one meeting had taken place at the FCO between officials and representatives of Sandline but, as my right hon. Friend the Member for Tonbridge and Malling (Sir J. Stanley) pointed out, Sir John Kerr in his evidence described numerous telephone calls—and almost certainly meetings in Conakry—which had also taken place.

When the Minister winds up the debate, will he at last give us detailed answers to two specific questions? First, what is the definitive policy of the Government towards Sierra Leone, in particular to the implementation of Security Council resolution 1132?

I want to make one thing abundantly clear: we unreservedly welcome the ousting of the military regime in Sierra Leone and the restoration of President Kabbah's legitimate Government. My right hon. and learned Friend the Member for Folkestone and Hythe made the very same point in his opening speech. We recognise, as do hon. Members on both sides, the appalling atrocities that took place and continue to take place in the name of the military junta. We condemn them absolutely, and the Prime Minister's pathetic attempt to pretend otherwise at questions last week, supported by some today, did him no credit and serves only to underline the increasingly patronising and ill-informed manner in which he deals with any question to which he does not know the answer. To the Prime Minister, a counter-coup in west Africa, and a possibly serious breach of a UN arms embargo, are nothing more than overblown hoo-hah and hype in the media.

Both my right hon. and learned Friend the Member for Folkestone and Hythe and the hon. and learned Member for North-East Fife have referred to the detrimental effect which the Prime Minister's extraordinary intervention may have had on the Customs and Excise investigation. The statement from this afternoon serves only to underline that point. We have heard today from the Foreign Secretary and the Attorney-General that Customs and Excise has completed its investigation and that prosecutions are not to follow, so will the Minister answer the question posed to the Attorney-General in the Chamber earlier today by my right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell): was the decision taken on evidential or on public interest grounds?

The Prime Minister told us yesterday that the Foreign Secretary's actions had led to the restoration of President Kabbah, yet this is the same Foreign Secretary who claims to have no knowledge of events in Sierra Leone and no responsibility for them. He is the same Foreign Secretary who told the House on 6 May that this was a matter of "proper concern" to the House. He expressed his deep concern, saying that no one should "underestimate its gravity", and he described the line taken by the Prime Minister—that the ends should justify the means—as "wildly out of touch" with reality.

Moreover, on the same day—6 May—the Foreign Secretary asserted that there was no Government policy in favour of, or UN support for, military intervention to restore President Kabbah, whose regime was to be restored through diplomatic negotiations, not military intervention. In that increasingly infamous Adjournment debate on Sierra Leone of 12 March, the Minister of State confirmed that that was the policy at the time. He told the House:

"Let me make it clear . . . that while we welcome the fact that the rule of the military junta had been brought to an end, we were unable whole-heartedly to endorse the ECOMOG action. We believe that any use of force should be based in international law"—[*Official Report*, 12 March 1998; Vol. 308, c. 842.]

Mr. Tony Lloyd: Does the hon. Gentleman agree?

Mr. Faber: Yes, we agree—although clearly the hon. Member for City of York (Mr. Bayley) does not. As my right hon. Friend the Member for Tonbridge and Malling pointed out, Baroness Symons emphasised that point in another place. Is the hon. Gentleman saying that, with the benefit of what he now claims to know, the ECOMOG action to reinstate President Kabbah was illegal and in breach of the UN resolution? Is that the Government's view?

As the noble Lord Steel pointed out in a letter to *The Times* today—again, this was reinforced by the hon. Member for Hackney, North and Stoke Newington—

"the British order in council enforcing the embargo is a good deal more extensive and detailed in drafting than the UN resolution itself."

The Government took a leading role in sponsoring and drafting resolution 1132. As my right hon. and learned Friend the Member for Folkestone and Hythe pointed out earlier, it was precisely because the Government did not support military action that 1132 was translated into an even more clearly worded and strengthened Order in Council.

This evening, the Minister has the first opportunity since his ill-starred appearance before the Select Committee to put the record straight and to answer the questions already posed to him many times.

His performance before the Select Committee was explained away, not least by the hon. Member for Swansea, East (Mr. Anderson), by his having been invited to speak on the subject not of Sierra Leone, but of human rights. I should have thought, incidentally, that human rights were of considerable concern in Sierra Leone.

The Minister's performance was also explained away by the fact that it took place the day after a bank holiday weekend. Today is the day after an ordinary weekend but, given the Foreign Secretary's proud boast about his paperwork, perhaps it was optimistic of us to expect any new answers today.

If the hon. Gentleman were so badly briefed for the Select Committee meeting on 5 May, why had his office felt able to issue a statement to *The Sunday Times* the day before, in response to an article in the newspaper,

"denying that Ministers knew of any collaboration in the military operation by Foreign Office officials."

Was that statement cleared with the Minister at the time and, if so, was it not suggested to him by his officials that it just possibly might be raised at the Select Committee two days later?

In the debate on 12 March, the hon. Gentleman attacked *The Observer* for what he described as

"an ill-informed and scurrilous article"

which had, he went on,

"talked about Britain's talks with hired killers, and about the Foreign Office admitting our ambassador's link to notorious mercenaries plotting against the Sierra Leone Government."

It is worth considering the Minister of State's rebuttal of the two points that he himself had made. First, he cites the high commissioner, Mr. Penfold, as confirming that

"on no occasion did he attend any meetings at which Sandline—the company mentioned—and President Kabbah were present together."—[*Official Report*, 12 March 1998; Vol. 308, c. 844-45.]

That was not the issue. The fact that Sandline, President Kabbah and Mr. Penfold were never together is irrelevant to the question whether Mr. Penfold recommended the firm's services to President Kabbah, whether he liaised with Sandline in the ways outlined in Sandline International's solicitors' letter, and whether he informed the Foreign Office of what he was doing.

Sir John Kerr has since confirmed in his evidence to the Select Committee that Sandline had had meetings in the Foreign Office and had regularly telephoned officials. He also suggested that Mr. Penfold may well have had meetings with Sandline in Conakry.

As early as February, the attention of the Foreign Office had been drawn by Lord Avebury to the role allegedly played by Sandline International in flying arms from Bulgaria to support President Kabbah in his efforts to regain control in Sierra Leone. The Foreign Secretary informed the House on 6 May that,

"on 10 March, the Foreign Office formally advised Customs and Excise of the allegations, with the suggestion that it commence an investigation."

However, Sir John Kerr informed the Select Committee last week that the investigation had been agreed at a meeting on 18 February.

In the same debate of 6 May, the Foreign Secretary told the House that the Minister of State

"received copies of papers on the customs investigation in early April, and they were shown to him for noting in mid-April."—[*Official Report*, 6 May 1998; Vol. 311, c. 721-22.]

Again, the hon. Member for Hackney, North and Stoke Newington has pointed out the fallacy in that argument. It contradicted the Minister of State's evidence that he was not told until 1 May, a statement that he has since revoked, but for which he has not yet apologised.

By early April, the Customs and Excise investigation was well under way, with visits being paid by officials to the Sandline International offices and the private residences of Colonel Spicer. We are asked to believe that the first intimation that the Minister of State received of the alleged breach of a United Nations arms embargo by a British company was at least three weeks, and possibly more, after the investigation had begun, and that the Secretary of State was informed only on 28 April.

It is essential that we are told what were the contents of the papers received by the Minister of State, and what other form of briefing he received. Was he told of arms being involved? Was the role of the high commissioner in Sierra Leone mentioned? Was he briefed that Sandline had had discussions with the several officials in the Africa department of the Foreign Office who are named in Sandline's letter?

Why, in the words of the Foreign Secretary, was the Minister of State not fully informed of the allegations made by Sandline before Friday 1 May? Does he prefer to receive his briefings by instalments, or does that reflect yet again the appalling breakdown of communication that is becoming daily more evident between officials and Ministers at the Foreign Office?

Many of us who are seeking to get to the heart of this vital matter felt that we might at last be getting somewhere when the permanent under-secretary, Sir John Kerr, gave his evidence to the Select Committee. He told the Committee that he believed that a briefing prepared for the Minister for the debate on 12 March did include reference to a letter sent two days earlier to Customs and Excise, formally asking it to investigate the allegations made about Sandline.

Sadly, as the House knows, our optimism was premature. Some hours later, a letter from Sir John to the Committee was released in which he stated that he now recalled that the

"briefing pack prepared for Mr. Lloyd's use in the debate on March 12. . . does not mention arms shipments; and, as I thought, it does not say that one such report had already been passed to the Customs and Excise."

As my right hon. Friend the Member for East Devon (Sir P. Emery) rightly said, that briefing pack must be published now, together with the notes of the conversations between Foreign Office officials and representatives of Sandline International to which Sir John Kerr referred in his evidence, and with all relevant telegrams from Sierra Leone and Guinea during the period in question.

May I ask the Minister, as did his hon. Friend the Member for Swansea, East, to throw a little more light on the role and the brief given to Mr. John Flynn, a distinguished former diplomat, appointed by the Foreign Secretary on 9 January as his special representative to Sierra Leone. He was described at the time as having

"a wealth of experience in conflict resolution in Africa",

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and the Foreign Secretary has said that he was

"to co-ordinate international support for the restoration".—[*Official Report*, 12 May 1998; Vol. 312, c. 153.]

of President Kabbah. What precisely was his role? How frequently did he visit Sierra Leone, and did he meet representatives of Sandline there or in London? Did he accompany the Minister to Freetown on 31 March? On how many occasions did he meet the Minister and the Foreign Secretary?

During the speech of my right hon. and learned Friend the Member for Folkestone and Hythe, the Minister intervened to answer the question that I asked him at Foreign Office questions last week. He said that he did not discuss Sandline at the meeting that he held with John Flynn at the Foreign Office on 19 March, or at the meeting that he held with non-governmental organisations on 1 April.

Mr. Tam Dalyell (Linlithgow): Will the hon. Gentleman clarify for the House exactly what he is insinuating about Mr. Flynn?

Mr. Faber: The hon. Gentleman is wrong. I am not insinuating anything. I am asking the Minister to give further details about the role that Mr. Flynn was asked to play. I am keen to know whether Mr. Flynn is still involved in implementing the Government's policy in Sierra Leone, or has he, too, become disenchanted with their performance? We read yesterday about his recent meeting with the Foreign Secretary, after which he is said to have complained privately that the Foreign Secretary had

"seemed uninterested in the subject, apparently preoccupied by other matters".

Mr. Robin Cook: The hon. Gentleman will not wish to mislead the House. I should inform him and the House that I have received a letter from Mr. Flynn in which he flatly denies making any such statement and reasserts my interest in Sandline and Sierra Leone. He is greatly distressed by the way in which remarks that he did not make have been attributed to him.

Mr. Faber: I would not wish to add to the distress of Mr. John Flynn. The Foreign Secretary has answered the question.

Does the Minister expect us to believe that he was briefed for a debate on 12 March, but that he was not told of Sandline's activities, or of the Customs and Excise investigation begun, according to Sir John Kerr, on 18 February? Did the Minister hold meetings or conversations with Mr. Penfold or Mr. Flynn, and yet was told nothing of Sandline International? We are led to believe that the word "Sandline" never occurred in any conversations that he had with Mr. Penfold or Mr. Flynn.

Did the Minister visit Freetown himself on 31 March, without the word "Sandline" or reference to its operations there passing the lips of anyone whom he met? Did he hold a meeting with NGOs on 1 April to discuss the position in Sierra Leone, and in particular the delivery of aid, yet during the meeting not one of them mentioned the role played by Sandline?

What has the Minister been doing for the past few months, if not one person, from his own officials to those on the ground in Sierra Leone, felt moved to inform him about the activities of a British company helping militarily to restore President Kabbah to power? It is time for the Minister to tell us when he first knew of the allegations and from whom. Last Thursday he told the House:

"my statement in the House on 12 March was an exact statement of my knowledge at the time. If, given the events of time, I need to correct that, I shall of course seek to do so before the House."—[*Official Report*, 14 May 1998; Vol. 312, c. 537.]

Tonight is his opportunity.

In a debate in the House on 2 April on the international arms trade, the Minister described my speech, which had criticised the Government's so-called ethical foreign policy, as "sad" and "churlish". It is not my behaviour in this sorry saga that we are debating tonight that I consider to be sad. The hon. Gentleman went on—as Ministers always do—to blame the previous Government, and said that I should have stood up and said that we were genuinely sorry. Tonight, the House will want to know whether the Minister is a big enough man to stand up and say that he is sorry.

6.39 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): I am delighted to speak about Sierra Leone before such a packed House. The House of Commons tonight, with full Opposition Benches, contrasts markedly with the House during the debate on 12 March. My speech on that occasion has attracted the interest of both the shadow Foreign Secretary, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), and his junior spokesman, the hon. Member for Westbury (Mr. Faber). However, neither of them took the trouble to attend that debate—although a solitary Conservative Back Bencher spoke in it. That was the level of Opposition interest in the events in Sierra Leone. We have had to wait from the restoration of President Kabbah until now to hear the Opposition even welcome the President's return to power in that country.

Let me say at the outset that the Government's policy with respect to Sierra Leone has been a success, and it has been a success for an ethical foreign policy. I shall tell the House a little about the events that took place.

Mr. Robathan: Will the Minister give way?

Mr. Lloyd: No, the hon. Gentleman has already made several interventions.

From the time of the coup, the Government recognised and supported the legitimate elected Government of President Kabbah, even while he was in exile. We regarded as illegitimate the junta that had taken his place. We wanted democratic Government to be restored and we were delighted when it was. However, we wanted it done legally—that is an important point as many Opposition Members, particularly the right hon. Member for Tonbridge and Malling (Sir J. Stanley), have fudged such issues. We wanted it to happen in accordance with United Nations Security Council resolutions as that is the correct way for such things to occur.

We contemplated the threat or use of force, but only as a last resort. When we were asked about it—only one Conservative Member asked a question about Sierra

Leone from the time of the coup last July until recently—we said that we preferred to see negotiations, which would avoid bloodshed and harm to the people of Sierra Leone. We made it clear that the possibility of force was available as a last resort, but only with the blessing of the United Nations. That is the right and proper way for the Government to behave, and we do not resile from that approach.

We did not want arms to flow into the region—that goes to resolution 1132, which the hon. Member for Westbury does not seem to have read—even if they were meant for the good people, as they could easily have ended up in the wrong hands. We made it clear over and over again that we would not support any illegal action. President Kabbah got the message. In his letter to the Prime Minister of 11 May, he said:

"I recall, during the Commonwealth meeting in Edinburgh, Mr. Tony Lloyd remarking that while the British Government would continue to give diplomatic and other support to my Government, it could not provide it with lethal materials or weapons. As far as I was concerned, the matter was closed."

Several interesting points have emerged during the debate, and one of them concerns the role of the Opposition. I am not even sure whether the shadow Foreign Secretary knows who got rid of the junta in Sierra Leone. I can inform him that ECOMOG, not Sandline, got rid of that regime. The shadow Foreign Secretary and his hon. Friends do not seem to realise that. ECOMOG conducted a significant military operation and forced the junta to take flight. President Kabbah's letter to the Prime Minister said:

"As I review the media reports in London, it struck me that Sandline's role in the removal of the illegal regime and the return of my Government has been exaggerated."

That is an understatement. He goes on to say that the weapons arrived only after the removal of the illegal regime—that is an important point—and the liberation of Freetown by ECOMOG. President Kabbah said:

"I assure you most emphatically that at no time did my Government utilise mercenaries provided by Sandline."

He continued:

"It is erroneous for anyone to suggest that Sandline was involved in a coup . . . on my behalf."

Sandline did not restore President Kabbah's Government.

Mr. Blunt: At this point, the Minister should know that the issue of arms is neither here nor there. Crucial to the military success of the ECOMOG operation was the military assistance and advice given by Sandline to President Kabbah, with the knowledge of the High Commissioner. That package included arms, and President Kabbah signed the end user certificate knowing that they came from a British company.

Mr. Lloyd: The hon. Gentleman must appreciate that there is nothing in the Security Council resolution or in Britain's national legislation—the Order in Council—that could control advice provided to President Kabbah. Is the hon. Gentleman serious in raising that point? We have said continually that there was no ministerial approval of any breach of the United Nations arms embargo. I reiterate that Sandline did not restore President Kabbah's Government: that was achieved by forces, chiefly Nigerian, contributed by ECOMOG. It was a trained and well-equipped army, and, frankly, a few mercenaries with a handful of arms shipped via Bulgaria could not do the job.

Dr. Tonge: I thank the Minister for giving way. Will he tell the House whether he and his Government are entirely happy about the involvement of the Nigerian Government in restoring power to President Kabbah? Many people in Sierra Leone are particularly worried about that and about the influence that Nigeria will have over them in the future.

Mr. Lloyd: I shall come to that point in a moment. The British Government—this is germane to the hon. Lady's question—did not fully endorse the ECOMOG action, because there was no Security Council resolution mandating that invasion.

Mr. Howard *rose—*

Mr. Lloyd: If the right hon. and learned Gentleman will allow me to finish my point, I shall certainly give way.

On 12 March, I told the House:

"while we welcome the fact that the rule of the military junta has been brought to an end, we were unable wholeheartedly to endorse the ECOMOG action. We believe that any use of force should be based in international law."—[*Official Report*, 12 March 1998; Vol. 308, c. 842.]

I hope that the right hon. and learned Gentleman will endorse that view.

Mr. Howard: Certainly. If the hon. Gentleman takes the view—as he has done consistently—that the ECOMOG action that restored President Kabbah was contrary to international law, how can he conceivably justify his claim at the outset of his speech that the return of President Kabbah was a great success for British foreign policy?

Mr. Lloyd: Self-evidently, the return of President Kabbah is welcome, and Britain did several things to assist it. The right hon. and learned Gentleman does not seem to be aware that, while we regret that the military observer group of the Organisation of West African States—ECOWAS—did not await a United Nations mandate before intervening, Britain worked very hard to ensure that it knew that we would support such a resolution if proper rules of engagement and a proper military plan were presented to the United Nations to give it legal legitimacy. That is the action of a responsible Government.

Since then, we have contributed to ECOWAS. We have offered logistical support, and we have contributed £2 million to the United Nations trust fund for ECOMOG, which is targeted at issues such as disarmament and demobilisation. However, we did not fully endorse the actions of the Nigerian army that did the job. Therefore, it is ludicrous to suggest that we would endorse the actions of mercenaries who made no difference in that situation.

Mr. Garnier: In light of the Minister's remarks in the past five or 10 minutes, does he agree that the Prime Minister's intervention and his description of this affair as "hoo-hah" were deeply unwise?

Mr. Lloyd: The Prime Minister always made quite clear the parameters of events. He made it clear that we

[Mr. Lloyd]

strongly welcome the restoration of President Kabbah—and the Opposition concur with that view. The Prime Minister said that the restoration of the legitimate Government in Sierra Leone was possible only through legal action, and he has never said anything other than that. He is consistent in that view.

Equally, the Prime Minister has not endorsed any action—he made this very clear, and the hon. and learned Member for Harborough (Mr. Garnier) should know that—that is in breach of the United Nations arms embargo, which would be deplorable. However, the Prime Minister did say that the Opposition's attempts to use the incident for domestic political purposes were the kind of hoo-hah that we all deplore. *[Interruption.]* At the end of the day, the shadow Foreign Secretary knows that.

That is why, between May last year and May this year, Opposition Members asked not one question about Sierra Leone. They made not one observation about Sierra Leone, and they made no attempt to raise issues regarding human rights abuses in that country—*[Interruption.]*

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. I will not allow any shouting in the Chamber. The House must come to order.

Mr. Lloyd: Opposition Members may shout all they want, but the simple reality is that the shadow Foreign Secretary and his junior spokesman showed not one scrap of interest in Sierra Leone during those long months.

I shall tell the House what has happened in Sierra Leone. This is important. I shall try to do this dispassionately. When I went to Sierra Leone I was shown pictures of the atrocities committed by the Revolutionary United Front. I was shown a picture of a decapitated body. The head had been placed between the legs as a warning to others. That is an example of the atrocities that took place regularly. At no point during 12 months did one question come to the Foreign Office from the shadow Foreign Secretary. Why not?

Mr. Faber *rose—*

Mr. Lloyd: It seems that the junior Opposition spokesman will explain why. Please do.

Mr. Faber: I made this clear in my speech. We deplore the atrocities that took place. I referred to the Prime Minister's intervention on this matter as pathetic, and pathetic it was. As the Minister took such a close interest in matters in Sierra Leone, will he tell us when he first knew, and from whom?

Mr. Lloyd: It is astonishing that the hon. Gentleman is prepared to rise to speak about his own actions. For 12 months, the hon. Gentleman with Opposition responsibility for Africa seemed oblivious to the fact that the coup had taken place in Sierra Leone. He raised not one question or protest during that period. Not once did he display interest in what had happened in Sierra Leone.

Dr. Tonge: I thank the Minister for giving way again. I well remember when he told the House of the atrocities in Sierra Leone, because that was during the debate on arms contracts and arms sales. The official Opposition did not attend that debate.

I noticed from the Foreign Office press releases that on the day when you were speaking about those atrocities in Sierra Leone, and horrifying the House with your descriptions, you had that morning met President Kabbah of Sierra Leone. I wonder whether you had heard anything about this matter—

Mr. Deputy Speaker: Order. I have not met President Kabbah.

Mr. Lloyd: I am not sure about the matter of Sandline, to which the hon. Lady has referred, and President Kabbah. President Kabbah and I never discussed Sandline during the various meetings that I have had with him.

I shall tell the House what the Government did do. Most certainly, Britain was responsible consistently for actions at the United Nations. Britain was responsible for making sure that President Kabbah was invited to Edinburgh for the Commonwealth Heads of Government meeting, uniquely for a president in exile. My right hon. Friend the Prime Minister appointed John Flynn, and his role is perfectly straightforward. He has not been appointed to conspire on behalf of Sandline. He is to work for the Government in terms of our policy.

The hon. Member for Westbury should be careful about the level of innuendo—*[Interruption.]* John Flynn is a respected former diplomat and should be given that recognition.

Britain sent in HMS Cornwall after the coup had been thrown out, as it were, in Freetown. The ship took part in humanitarian activity. HMS Cornwall took no part in military action against the coup plotters or even in favour of President Kabbah. The House should be more proud of the Royal Navy's role and a little ashamed of the insinuations that it has behaved somehow dishonourably. I hope that the shadow Foreign Secretary will be very careful.

Sir Peter Emery *rose—*

Mr. Lloyd: No, I shall not give way. I ask the right hon. Gentleman to forgive me.

Since then I have visited Sierra Leone, along with the Commonwealth ministerial action group. I met once again with President Kabbah. I met nobody in Sierra Leone from Sandline. I have met nobody from Sandline, and will meet nobody from Sandline. I think that my record on that score stands complete.

Since the coup Britain has been working hard at the United Nations to ensure that there is a peacekeeping role for ECOMOG—to make sure that there are military observers to take part in the process of demilitarisation and demobilisation.

I shall make a political point about what happened hitherto in Sierra Leone. The coup took place because the Conservative Government did not make an effort to ensure that democracy was solid in Sierra Leone. That is why the coup took place. We shall not make that mistake again. That is why we are continually engaged—that is why £2 million has gone into the United Nations trust fund.

Mr. Howard: As a matter of fact, it was the previous Government who paid for the elections as a result of which President Kabbah came to power.

The Minister of State has seven minutes left to answer the many specific questions that have been put to him during the debate, not least by the hon. Member for Hackney, North and Stoke Newington (Ms Abbott). Will he now answer the questions that have been put to him and account to the House for his conduct in this matter?

Mr. Lloyd: My account to the House is very clear. I made a clear statement last Thursday and I shall be judged by that. I shall come on to that in a few minutes. Before doing so, I shall quote once again from President Kabbah in his letter to my right hon. Friend the Prime Minister. He wrote:

"I hasten to add that the people of Sierra Leone will be for ever grateful to your Government and the British people for the timely assistance, encouragement and support you gave us in our hour of need."

Those are not the words of someone who thought that Britain had not done enough. They were the words of a man who thought that Britain had played a noble role in the restoration of democracy in Sierra Leone. It is a role that I am proud to have had a part in, and that is the position of my right hon. Friend the Foreign Secretary.

Sir Peter Emery *rose—[Interruption.]*

Mr. Deputy Speaker: Order. The House must come to order. The House must be quiet.

Sir Peter Emery: Will the Minister give way?

Mr. Lloyd: I do not think that Conservative Members are terribly interested in listening. However, it is clear that Sandline has made many allegations. It wanted to exaggerate its military role and its contacts with officials. As my right hon. Friend the Foreign Secretary has already said, we should be careful in not repeating allegations made by Sandline to those who cannot defend themselves in this place. However, that does not mean for one second that we would condone any breach of the United Nations' ban or sanction. Any such allegation is treated with the utmost gravity. That is why the allegation was referred to Customs and Excise.

I cannot go beyond the statement of my right hon. and learned Friend the Attorney-General except to say that my right hon. Friend the Foreign Secretary has not seen the report of the officers of Customs and Excise. My right hon. Friend was not a party to the decision made by the commissioners. I cannot add to the statement that they have made today. However, I can assure the House that, if the conduct of anyone in the Foreign Office has been a factor in the commissioners' decision, that will be fully investigated and revealed by the investigation that my right hon. Friend has already announced. That is an important assurance to the House. Hon Members should give the House the courtesy of accepting that the inquiry should go ahead on the basis outlined, so that it can get to the bottom of these matters.

Clearly, the inquiry must go to the truth and it will get to the truth. It is worth the House recognising something that the Opposition are reluctant to accept, in that it was Foreign Office officials, whom the Opposition scorn, who warned Sandline, as my right hon. Friend the Foreign Secretary has said, that the United Nations arms embargo was in force. Once Foreign Office officials were told that it was alleged that the arms embargo had been breached, they referred the matter to Customs and Excise.

The right hon. Member for East Devon (Sir P. Emery) said in the House last week that it was astonishing that the matter had not been referred to me before being put to Customs and Excise. The right hon. Gentleman is not only wrong but outrageous. It would be ridiculous for Ministers to be asked to comment on the reference of potential criminal activities. I hope that the right hon. Gentleman will take this opportunity to retract.

Sir Peter Emery: In a slightly calmer vein, and in an effort to defend Foreign Office officials who the Minister says cannot defend themselves, will the Minister give the Select Committee on Foreign Affairs, as it has requested, the memos of the meetings of officials that are in the hands of the Foreign Office along with the notes made and the telegrams that have been received? Those documents will speak louder than any of the Minister's words, and we shall then know the truth.

Mr. Lloyd: These are clearly matters for the inquiry. It is a shame that the right hon. Gentleman did not retract his ridiculous statement of last week.

I have many meetings with many people. The one common thread joining non-governmental organisations, President Kabbah and many other people is that the subject that did not come up was Sandline. Sandline was a sideline.

The House is being gripped by Sandline fever. The shadow Foreign Secretary has been determined to try to make his name on it. We understand why. In the absence of any foreign policy, it is necessary to grasp at whatever comes to hand.

The hon. and learned Member for North-East Fife (Mr. Campbell) asked whether the inquiry would cover the Nixonian formula: what Ministers knew and what they should have known. Let me make it clear to the hon. and learned Gentleman that I shall welcome appearing before an inquiry, and shall welcome precisely that line of questioning. It is important for the confidence of this House in my right hon. Friend the Foreign Secretary, and in me, that such questions are asked. I shall co-operate fully with the inquiry and ensure that those questions are answered.

Many questions have been put to me. I congratulate the shadow Foreign Secretary on the award that he won last week from the Royal Television Society for his interview with Jeremy Paxman, when he refused 14 times to answer a question about whether he had overruled Derek Lewis.

The Government have nothing to hide and will hide nothing. We shall get to the bottom of all this. Contrast that with the sleazy actions of the previous Government, of whom the shadow Foreign Secretary was part. They covered up arms to Iraq—a real scandal—and still do not apologise.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 128, Noes 287.

Division No. 277] **[7 pm**

AYES

Ainsworth, Peter *(E Surrey)*	Baldry, Tony
Amess, David	Bercow, John
Ancram, Rt Hon Michael	Beresford, Sir Paul
Arbuthnot, James	Blunt, Crispin
Atkinson, Peter *(Hexham)*	Body, Sir Richard

Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Chope, Christopher
Clappison, James
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heath, Rt Hon Sir Edward
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Tredinnick, David
Tyrie, Andrew
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. John M. Taylor and
Mr. John Whittingdale.

NOES

Abbott, Ms Diane
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Bell, Martin *(Tatton)*
Benton, Joe
Berry, Roger
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, Stephen
Cabom, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Connarty, Michael
Cook, Rt Hon Robin *(Livingston)*
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dismore, Andrew
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Fatchett, Derek
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Healey, John
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Lepper, David
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McKenna, Mrs Rosemary
McNulty, Tony
MacShane, Denis

Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Osborne, Ms Sandra
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Roy, Frank
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Snape, Peter
Soley, Clive
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Ward, Ms Claire
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. John McFall and
Mr. Jon Owen Jones.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments) and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House notes the Government's consistent policy of support for the restoration of President Kabbah and recognition of him as the elected and legitimate President of Sierra Leone and welcomes the success of that policy and the overthrow of the brutal and repressive military regime; applauds the open and proper manner in which the Government have responded to allegations of a breach of the UN arms embargo; and congratulates the Government on its commitment to an urgent outside investigation and publication of a full report.

Territorial Army

7.14 pm

Sir George Young (North-West Hampshire): I beg to move,

That this House views with concern recent reports that the size of the Territorial Army may be reduced to 40,000 and that it may be stripped of many of its combat units; recognises the role of the Territorial Army both in complementing the role of the regular army on active service in places such as Bosnia and in providing a strategic reserve of trained combat and supporting units in case of wider conflict; applauds the work of the Territorial Auxiliary and Volunteer Reserve Associations around the country in providing opportunities for young people to volunteer in the reserves and cadets, and in building bridges between local communities and the armed forces; and urges the Government to use the Strategic Defence Review to develop rather than undermine the role of this important national resource.

Over the past 10 years, most Opposition days have been used to castigate Governments for mistakes that they have been perceived to have made. We have a different objective: to persuade the Government to avoid a mistake that we fear that they are about to make. The motion that we have tabled on the Territorial Army is as non-partisan as they come. It embraces views that have been expressed by hon. Members on both sides of the House, at both ends of the building and by informed opinion outside Parliament about the feared impact of the strategic defence review on the size and the role of the TA.

I am slightly surprised that the Government are seeking to amend our motion, and no doubt we shall hear which of its propositions the Government have difficulty with, but the absence of invective on the Order Paper should not disguise the concern that has inspired the debate and, indeed, a recent spate of hyperactivity in the Ministry of Defence, doubtless in the hope of avoiding intervention by the Minister without Portfolio.

The cause of our concern is a series of reports by defence correspondents, especially Michael Evans of *The Times*, who seems to be well informed, that the TA will be cut to 40,000. I also understand that the SDR reserves paper, which was discussed in the MOD on 6 February, proposed that the size of the TA should be approximately 40,000. Perhaps the Secretary of State can confirm that. We know from Ministers that they plan to retain or to enhance the TA's specialist capabilities, so the only way that they could reach the figure that I have mentioned is by substantial reductions of about 80 per cent. in the infantry.

In response to that suggested reduction, we have had two lively debates in the House. I pay tribute to my hon. Friend the Member for Canterbury (Mr. Brazier) and my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) for their diligence in initiating those debates and for their advocacy during them. However, nothing that Ministers have said in reply has allayed that concern.

There was also a much longer debate in the other place. There were no fewer than 33 Back-Bench speakers—many only recently retired from advising Ministers at the MOD—of whom only two took the Government brief. Commenting on the possible reasons for that, Lord Gilbert said:

"One is that my noble friends have total confidence in the way the Government are running the country".—[*Official Report, House of Lords*, 22 April 1998; Vol. 590, c. 1225.]

A less charitable commentator might be driven to the opposite conclusion.

I choose just one quotation from the many speakers in our three excellent debates. The hon. Member for Walsall, South (Mr. George), the Chairman of the Select Committee on Defence, whom I of course notified of my intention to quote him, said:

"The fact that there are so many Members here in the early afternoon is a warning to the Treasury and the Ministry of Defence that messing around with what is left of our reserves would be difficult and dangerous . . . Warfare has not changed so greatly as to render our traditional reserves superfluous; nor are they there only to plug holes left in the MOD's budget . . . If we find that the reserves have been relegated to superfluity, I am convinced that there will be tremendous reaction throughout the country, reflected in the House."—[*Official Report*, 8 April 1998; Vol. 310, c. 313.]

I believe that he is right, and if Ministers will not listen to me, they should listen to him. I am delighted that he is in his place for the debate.

The Opposition want to give further momentum to the concern to which I have referred. We hope not only to persuade the Government to change their proposals, but to bring to a swift conclusion the increasingly embarrassing delay in publishing the SDR, for which we still have no date. Ministers keep telling us how thorough, inclusive and transparent was the exercise that led to the report that they sent to their colleagues at the end of March. Despite that, however, their colleagues want between three and four months to validate that comprehensive exercise. As we have constantly been told that it is not Treasury-driven, we wonder who is holding it up.

In the meantime, there is an increasingly damaging impact on morale, on recruitment and on procurement. The Secretary of State is probably equally frustrated by the delay, but is too polite to say so. However, he owes it to the service for which he has responsibility to bring the exercise to a swift conclusion.

In speaking about the TA, it is no part of my case to look backwards rather than forwards or to set regular against reserve. There must be a good, forward-looking relationship between the two because they depend on each other. The Regular Army depends on the TA to complete battalions that are sent to Bosnia; the TA depends on the Regular Army for its marching orders, and they share a common culture and ethos. The future of the TA and the long-term health of the Regular Army are inextricably linked, and there is no advantage in reducing the TA infantry to insignificance, as the strategic defence review apparently suggests, while hoping to man an enhanced regular infantry.

The Minister for the Armed Forces has said that the reserves can make their case in public while the regulars cannot. That is a fair point, but, of course, the regulars are much closer to the decision-making process and have more senior officers within the Ministry of Defence. An advocacy that is private rather than public may be every bit as influential.

There are two key questions for the House. They are, first, what is to be the role of the TA over the next 15 to 20 years; and, secondly, can that role be filled with the manpower that the Government are examining? The role of the TA is as a general reserve to the Army. It is there to reinforce the Regular Army when that is required with individuals, units or sub-units in the UK or overseas. It also provides the framework and basis for regeneration and reconstitution in times of national emergencies.

The TA performs other roles. In many parts of the country, it is the only link between military and civil in our demilitarised society. It is an important source of recruits for the Army and is an alternative to conscription. It offers opportunities for volunteering to the responsible citizen; it assists other Government objectives and programmes, such as welfare to work; and it offers opportunities of a structured life to young people who might otherwise lack contact with order and discipline.

I shall outline the case that Government must answer. The manpower that the Government apparently propose will mean that the TA will lack the critical mass that it needs to remain a viable organisation. Cuts focused on the infantry will mean that its heart will become starved of oxygen and its limbs will become less efficient. Infantry reductions of about 80 per cent. mean that it will no longer be a truly national organisation. The shrinking will not only have the impacts that I have mentioned but will affect the perceived role of the TA in society, the employer's willingness to release employees for training for a valued purpose, and people's motivation to join.

Mr. Nick Hawkins (Surrey Heath): My right hon. Friend is dealing with the important roles of the TA. Does he agree that the TA is vital to the future of the Army cadet force because throughout the country, and certainly in my constituency in the Camberley area, cadets rely on the TA for stores and training and for many other services? To damage the TA is to damage the cadets.

Sir George Young: My hon. Friend makes a valid point. I had intended to speak about that issue, but he has raised it more eloquently than I could.

I shall now deal with the TA's role as general reserve to the Army, and assume that at one end of the scale we plan for a high-intensity conflict for which we field one division. It is legitimate to contemplate such a conflict: we contemplated one in the House only a few weeks ago. If we assume 15 per cent. casualties in four days, on the TA figures that we are debating, the Army would have to call up ex-regulars on day five. The trouble with that is that 50 per cent. of the addresses of ex-regulars are incorrect. In addition, they may not be fit or trained on current equipment, and may not want to serve.

The strategy of cutting the TA and relying on ex-regulars to save money rejects the trained, fit and willing volunteer for the possibly unfit, unwilling and untrained ex-regular—if one can get hold of him. We could be into that scenario quite soon. Sustaining any operation requires depth, and if the reserves are cut, there will not be the depth to sustain an operation. In a lower-intensity conflict with fewer casualties, with inadequate reserves there would be a shortage of manpower after about 90 days. At the other end of the scale, there is the example of the recent floods in the midlands. The Army locally was on block leave and the territorials stepped in and were the only soldiers who were present.

Most regular units deploy with a TA increment on operations or on exercises. Some 10 per cent. of the implementation force, IFOR, and the stabilisation force, SFOR, manpower in Bosnia was found from reservists, of whom about 1,200 were infantry. Without such back filling, the regular infantry would be even more stretched, and that would lead to worse retention and an ever-increasing reduction in regular manpower.

The TA has gained much respect for its role in Bosnia. More broadly, while we have a small regular force, the volunteer reserve forces help to provide the capacity to punch above our weight, and that has enabled Britain to have an effective foreign policy. All that is at risk.

Reducing the TA has other consequences, such as those that were mentioned by my hon. Friend the Member for Surrey Heath (Mr. Hawkins). TA premises are used by others such as cadets, who also use vehicles and equipment with TA infantry instructors. To get a clearer idea of the exact impact, I have today written to the regional chairmen of the Territorial Auxiliary and Volunteer Reserve Association to get their assessment of the consequences of what we are discussing.

The whole of the reserve forces cost about 3 per cent. of the entire defence budget. The TA is astonishing value for money; my hon. Friend the Member for Salisbury (Mr. Key) will expand on that at the end of the debate. My hon. Friend the Member for Canterbury made the point in his perceptive piece in today's issue of *The Daily Telegraph*. As one noble Lord put it, it is like saving money by ceasing to pay for the insurance policy.

The role of reconstitution as well as that of general reserve may be compromised by the strategic defence review. It is fine to say that we shall have time to do that because there will be adequate warning, but history tells us otherwise. It was not until the spring of 1939 that it was decided to double the size of the TA. That decision ensured that many units went to war partly trained and ill-equipped and the price was heavy. My right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath) may recall how difficult it was in 1971 to train and recruit the new infantry battalions that he formed. It took five or six years to build up the expertise on which a unit relies.

The strategic defence review will take us up to 2015—17 years ahead. We only need to look back 17 years to 1981 to appreciate what we did not foresee at that time—the Falklands, Iraq and Bosnia, to name but three major demands on the armed forces. The record of forecasting military conflict is not good. There is a hint that there will be no need to call out complete units again. I am not sure that I agree with that. In replying to a recent debate and at defence questions today the Minister for the Armed Forces said that the Russians would not land tomorrow. That is correct, but who can predict the shape, location or duration of future conflicts? For expansion, the infrastructure and the framework must be in place, and it is precisely those which we are likely to lose.

We do not know exactly how forces may be required, and that means that we need a general rather than a specialised reserve. That is why cuts of 80 per cent. in the infantry would be so dangerous. Infantry is flexible; it can re-role. One company in Winchester has re-roled from infantrymen to amphibious engineers. The infantry has the key soldiering skills to an extent that specialists have not, and that makes it the heart of a genuine multi-purpose reserve.

Mr. Nicholas Winterton (Macclesfield): I fully endorse my right hon. Friend's excellent case on behalf of the Territorial Army. Does he agree that, if the TA is cut to the extent that many of us think it will be, that will deprive ex-regulars, who have cost a great deal to train,

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of the opportunity to become TA soldiers and officers, with the tremendous benefit that that can bring to the services and to younger recruits?

Sir George Young: My hon. Friend's point is well made, and I am grateful to him.

I shall now turn to the issue of recruitment. Currently, the Army is about 5,000 below strength and has a turnover of some 15,000 a year. Some 40 per cent. of Regular Army recruits come from the TA and the cadets, and they come disproportionately from the infantry. Cutting the infantry in the TA therefore runs the risk of double jeopardy. Not only does it cut off a promising source of recruitment for undermanned regulars, but it leaves the regulars even more exposed because the reserves are no longer there to support them. The reserves are being squeezed to make headroom for a sixth deployable brigade, but that is the wrong way to do it. The Army's top priority at the moment is recruitment and retention. My contact with the armed forces parliamentary scheme over recent weeks has brought that home to me, but cutting the TA makes that problem worse, not better.

I turn to the argument about footprint—the need to have a physical presence throughout the country that is seen, felt and respected, not least for recruitment. If the number comes down to 40,000, Scotland looks particularly naked, which I am sure would be of concern both to the Secretary of State and the Minister for the Armed Forces. That is because Scotland has a very high infantry profile and is the area where the reductions are likely to be made.

Mr. James Gray (North Wiltshire): My right hon. Friend makes a very good point. Is he aware that, if the infantry and the yeomanry were to be abolished, similarly the whole of Gloucestershire and most of Wiltshire would be entirely empty of the Territorial Army?

Sir George Young: I am grateful to my hon. Friend. When I receive the replies to the letters to which I have referred, we will have a much clearer picture of exactly what the regional distribution of the cut might be.

On the role of the armed forces, I quote Brigadier Richard Holmes, now the Director of Reserve Forces and Cadets in the MOD, on the need for a presence:

"Not in a brassy and intrusive sense, but the daily and repeated demonstration, to the men and women who we defend and from whom we draw our strength, that we are them—and they are us: the nation's mirror, indeed."

In many parts of the country, the only adult military presence at the Remembrance day parade is provided by the TA. Cut the TA and that goes. With no national footprint, the armed forces become more isolated from the communities that they serve.

Many hon. Members want to speak in the debate, so let me conclude by quoting from the same article on the TA, which was written by Brigadier Holmes in 1995:

"But there is an irreducible minimum amount of funding: fall below it, and units are gut-shot . . . In our view we are dangerously close to this irreducible minimum, and we should be well aware that the effects of a small saving could be disproportionately destructive."

That was when the figure was 59,000, with which he expressed delight.

In the previous debate on this subject, the Minister for the Armed Forces told us that no final decision had been taken. I believe him. We hope that there is time to change what is proposed. If not, I guarantee that Conservative Members will want to return to the subject. When we do, the atmosphere may be different, not just here, but outside. I hope that the Secretary of State will now tell the House that that will not be necessary.

Mr. Deputy Speaker (Mr. Michael J. Martin): I wish to announce that Madam Speaker has selected the amendment in the name of the Prime Minister.

7.32 pm

The Secretary of State for Defence (Mr. George Robertson): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

supports the Government in its determination to ensure that the United Kingdom has armed forces that are modern, capable, relevant and structured for the new post Cold War strategic realities; considers that the Territorial Army, like the rest of the armed forces, should continue to adapt to these realities; welcomes the valuable role played by the Territorial Army in the wider life of the nation; and is confident that the outcome of the Strategic Defence Review will be capable, relevant and even more usable reserve forces to help support Britain's foreign and security policies.

The speech by the right hon. Member for North-West Hampshire (Sir G. Young), the Opposition spokesman, and the terms of the Opposition motion strike a commendably less hysterical note than much of the commentary and speculation in recent months about this one aspect of our armed forces, which have been part of a strategic defence review, which was widely welcomed by many people, including many hon. Members on both sides of the House. It is the most unprecedentedly open defence review in the recent past. It is open and consensual, and is designed to establish the widest possible agreement on what our armed forces should do in future and how best they can do it.

On that subject, we have had several good and well-informed debates and I am certain that this will be another. The Territorial Army has a long and honourable tradition in the service of our country. Generations of willing volunteers have served. Soldiers of the TA have fought with great distinction in some of the most desperate struggles that this nation has known.

Even today, individual TA members serve on special engagements with regulars in Northern Ireland and the Falklands, and in Cyprus with our commitment to the United Nations. Some 2,500 volunteers have served with the regulars in Bosnia. I pay tribute to their efforts in that stricken country, where the work of the British Army, regulars and Territorials together, and of our other services has done so much to bring hope where, at one point, there was none.

I look at that military experience, which the motion that has been tabled in the name of the Opposition acknowledges, and I see an inconsistency in the motion and in the argument of the right hon. Member for North-West Hampshire. The strategic defence review does not and will not undermine the Territorial Army; it will strengthen it. We do not intend to destroy the TA; we intend to enhance it. The strategic defence review will not downgrade the Territorial Army; it will, as the motion suggests and recommends, develop it and modernise it. We intend to ensure that the TA is relevant, usable,

capable, effective, integrated and valued throughout the country. I am confident that, when the strategic defence review is eventually finalised, agreed and published in a White Paper, there will be wide agreement that what we have produced is a plan for modern forces in the modern world.

Mr. Mike Hancock (Portsmouth, South): I am grateful to the Secretary of State for giving way on that point: the strengthening of the TA via the defence review. Is he then saying that, if there is a cut in manpower, there will not necessarily be a cut in the defence budget to the TA and that that money will be recycled within the TA, or is he saying that there will effectively be a reduction both in manpower and finance? I cannot see how he can square what he is saying if no more money is put in or if the money does not stay in, and how is it going to be used to strengthen the TA?

Mr. Robertson: Perhaps if the hon. Gentleman waits and listens to what I have to say and to tell him, he will understand precisely why it is that I say that our whole purpose and design is to ensure that the TA is strengthened and that its role is enhanced. The exercise was not done as some way of salami-slicing one section to fund another section. We have taken, unprecedentedly, as I said, a holistic view of the whole defence budget and of all the military capability that this country has and needs in future.

There are going to be winners as well as losers in any strategic defence review. The point that the right hon. Member for North–West Hampshire has underlined—that the Territorial Army and the reserves are among the only group of people who are capable of lobbying Members of this House and the populace in general—should be borne in mind. Let people come to their conclusions when they see the way in which we have reconfigured the whole picture, not one section of the picture, which has happened to put specific figures speculatively into the public domain.

Mr. Crispin Blunt (Reigate): Will the right hon. Gentleman give way?

Mr. Robertson: I want to make a little progress before I take all the jumping up and down on the other side. *[Interruption.]* I make a sensible point. I intend to be constructive because we are interested in the quality of all sections of our armed forces. I am willing to take interventions, as I am sure my hon. Friend the Minister for the Armed Forces will at the end of the debate, so that hon. Members have an opportunity to put their view across.

When we have published the defence review, we will have reserve forces that will be integrated as part of a coherent approach to defence and will be relevant to needs today, tomorrow and long into the future. Numbers are not the only or even the main issue that is at stake here. Indeed, the previous Government made much of that fact in the reductions for which they were responsible in the reserves and in the Territorial Army.

We will also continue the invaluable local links and the wider involvement of the Territorial Army in our society. The Territorial Army draws much of its strength from its local roots and enjoys the support of the communities in which it is based. I know that the concern that has been expressed in this and other debates by hon. Members on both sides of the House reflects the concerns of those communities.

Mr. Barry Jones (Alyn and Deeside): On that point, may I tell my right hon. Friend of the anxieties of the Royal Welch Fusiliers? The third battalion TA, which I visited today, has anxieties and the communities that it serves support it. We hope for a continued strong presence in north Wales. I visited the battalion today and, as an ex-service man, I would say that it gave a brilliant demonstration. I hope that he might be able to help.

Mr. Robertson: My hon. Friend is a powerful advocate for his constituency and for the regiment based in it. When any review takes place, there is inevitably anxiety across the forces—not just in individual Territorial Army units, but in the Regular Army, the Royal Navy and the Royal Air Force. Frankly, over the past couple of decades, the only experience they have had of reviews is of exercises that have pretended to be strategy-led, but which resulted in huge cuts in capability. I ask my hon. Friend to tell his territorials that we have considered the matter on the basis of the operational capability that this country will need for the future. We will achieve that inside the budget that we have inherited.

I have no doubt that the right hon. Member for North-West Hampshire, in the unlikely event that the Conservatives had won the election, would have been faced with many of the same tough decisions that I am having to make now. These are not easy options. The last Government reduced the defence budget by one third in their last seven years. There was no prospect that they would increase the defence budget.

It is true that the Territorial Army offers many in the wider community contact with the armed forces which they might otherwise not experience. Furthermore, the training it provides and the values it instils in the volunteer are of great benefit to society. I have no doubt that many hon. Members will wish to reinforce to me tonight just how important they are.

I acknowledge the importance of the TA's specific role in supporting the cadet movement, which we greatly value—not just for the youth development work which is its primary role, but for its recruiting effort on behalf of the armed forces. As a former Army cadet, I could hardly conclude otherwise. We are looking to see what we can do for the cadets, and we will increase the support that is given to them.

Mr. A. J. Beith (Berwick-upon-Tweed): The right hon. Gentleman has listed a number of benefits that the Territorial Army brings to the community, to youth work and to the public perception of the Army. Is there some mechanism whereby all that added value can be costed into the whole equation of the strategic defence review, or is he merely looking at that side of the balance sheet that assesses the TA's operational role? Significant as that is, there must be some way of measuring other benefits as well.

Mr. Robertson: We have to make exactly the same calculation for the Regular Army, the Royal Navy and the Royal Air Force, and for all the capabilities that this

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country has at its command. However, at the end of the day, the decision is that the budget of the Ministry of Defence will be in excess of £21 billion—the figure we inherited from the Conservative Government. There was a massive one-third reduction over seven years.

We have to consider all the measurements within the whole. We have to measure the value and the utility of the TA and the other reserves. It is interesting that tonight the Opposition have tabled a motion about the Territorial Army alone. They seem to have no interest in or concern about the RAF and Navy reserves. They all have to be measured in the equation.

All these aspects are important, but, above all, the Territorial Army is there to fulfil an operational role, and it is on the operational role that I want to concentrate tonight.

The Territorial Army has seen change since the end of the cold war. Its strength has fallen from a peak of 78,500 in 1987 to 56,700 today. The establishment of the TA in 1987, under the last Administration, was 91,000, but it was reduced to 59,000—the figure that we inherited. Therefore, if people are to make judgments about what might happen in this defence review, they would be wise to look at the Conservative party's record before doing so.

Sir George Young: The Secretary of State must recognise that there was a dramatically improved security position in Europe, and almost every NATO country was able to reduce its budget by between 20 and 30 per cent. That is not the position now, so there is no justification for such a reduction. The right hon. Gentleman must not continue to assert that the reductions under the Conservative Government were the result of some Treasury-driven craze; it was a logical and balanced response, enabling us to put resources into health and education.

Mr. Robertson: It takes formidable acting skills to tell us now that the cuts that were made under the last Administration were driven solely by the end of the cold war and not by the Treasury exacting a heavy price. The evidence of the Treasury's hand is the incoherence of the cuts that were made. Of course strategic circumstances change; of course there were bound to be reductions in defence expenditure in this country, as in other countries. The main criticism of the previous Government was of the way they left holes in capability that robbed us of the opportunity to put our troops into the right place at the right time.

Further changes are taking place in the strategic landscape, and they will increase over the next 10 to 15 years. It is because we are configuring our armed forces for the new challenges, and because of the huge operational strains, that we have embarked upon the review. Just as we have looked at every capability of each of the three services and the civilian back-up, so, too, should we look at the role of the Territorial Army.

Mr. Allan Rogers (Rhondda): Does not my right hon. Friend find it rather strange that the right hon. Member for North–West Hampshire (Sir G. Young) should talk about cuts in the way he has when, from 1985 onwards, year on year, the Conservative Government cut the money available to the armed forces? If I catch the Chair's eye, I will illustrate that. The right hon. Gentleman is silly to come up with such an argument.

Mr. Robertson: The defence communities are aware of that. They want a coherent outcome that makes sense in the circumstances. They know that some reductions in capability will be necessitated by the fact that capability shortfalls must be made up if we are to send troops into conflict safely, securely and effectively. The right hon. Member for North–West Hampshire knows that, and the public know it. They will be sensible when they see the outcome.

Mr. Tom King (Bridgwater): The right hon. Gentleman knows that there was a change in strategic circumstances, and that the most significant change under "Options for Change" was the withdrawal from Germany at the end of the cold war, and the consequent number of forces that we brought back. He will also know that the architects of "Options for Change" were Lord Vincent—who was an outstanding Chief of Defence Staff, much respected throughout the Ministry of Defence, and subsequently chairman of the military committee in NATO—and the current permanent secretary at the Ministry, Richard Mottram. I should be very worried if the right hon. Gentleman were accusing them of incoherence. I have the greatest respect for their abilities.

Mr. Robertson: It is a bit much for a former Defence Secretary to blame officials for the outcome. I dare say that Lord Vincent, who has been assisting me in the defence review as a member of my expert panel—I very much value the advice that he has given—and the permanent secretary may well have assembled much of the information, but the responsibility for the outcome has to lie at the door of those responsible for "Options for Change" and for the defence cost studies. Therefore, in this debate, let us not try to blame officials. We should grant them immunity to that.

I realise that the changes and reorganisation have not been easy for territorial and reserve units, which are composed largely of people who work a few hours or a couple of days a week. Such organisations face challenges in adapting to the new circumstances. However, I should like to make two points about the position in which we have been left by the various reorganisations and changes made under the previous Administration.

First, most of the Territorial Army is currently held at low readiness against the possibility of a cold war threat—to defend against an invasion, primarily by the Soviet Union, and spetznaz attacks on vital installations in the United Kingdom. Part of the judgment in determining that readiness level was that, understandably, the Government would resort to compulsory call-out of the Territorial Army only in the most extreme circumstances. However, that begs the question of what to do if the possibility of such circumstances arising becomes so remote that we do not have to maintain any standing forces against them.

After our foreign policy analysis—which we have shared widely, and which is widely shared—that issue has arisen—*[Interruption.]* If Opposition Members really anticipate a massed attack by components of the former Soviet Union, I should be interested to hear their views.

Secondly, across the entire British Army, we have 73 battalions: 33 TA battalions, the majority of which are geared to fight on British soil; and 40 regular battalions.

Altogether—in one guise or another—61 battalions are light infantry battalions. Therefore, 61 battalions could not be put into the front line of a modern armoured battle. We should also compare that number of battalions with our eight tank regiments, seven air defence regiments, 14 artillery regiments, 19 engineer regiments and 16 field ambulance units.

We need many regular battalions to manage all our current operations. The House, if not the public, will be familiar with the level of commitment currently faced by our regular forces. Although we welcome the support given by individual members of the TA infantry to the regulars in all those operations, in no credible or plausibly foreseeable circumstances will we need at one time 61 light infantry battalions. Most obviously, the level of force that we are committed to fighting at home is out of all proportion to the threat.

Mr. Julian Brazier (Canterbury): As my right hon. Friend the Member for North-West Hampshire (Sir G. Young) said, most of our wars have been unanticipated, and the past two wars—the Gulf war and the Falklands war—were both fought in open terrain, with no civilian populations, where large ground forces were unnecessary. Let us suppose that the Balkans—where 14 Axis divisions proved to be inadequate in the second world war—were to blow up tomorrow, or that we had to invade Iraq. We should remember that the American, Australian and Canadian armies all have greater combat capabilities and more infantry in their reserve forces than they do in their regular forces.

Mr. Robertson: The hon. Gentleman—any hon. Member—can postulate a series of possible future threats and quite easily state the necessary capability to deal with those threats. However, there is a finite defence budget, which the previous Government reduced to £21 billion.

Mr. Nicholas Winterton: We have to anticipate anything.

Mr. Robertson: We cannot plan for every eventuality and every surprise. We have to have a portfolio of forces that is able to deal with as much as we can currently possibly anticipate. It is perfectly sensible to take that point of view.

I tell the hon. Member for Canterbury (Mr. Brazier)—who speaks with some authority on the matter, and takes a very strong interest in that one key component of our capabilities—that, since the second world war, we have never compulsorily called out formed units of the Territorial Army. We did not do so in Korea, in Suez, in the Falklands or in the Gulf. We have not called out any of the formed units of our Territorial Army.

Sensibly, calmly and moderately, I make the point to the House that we have to strike a balance between our Regular Army and our Territorial Army, and between the Navy and the Air Force, taking into account the likely eventualities. There is not likely to be a Government, Conservative or Labour, who will expand the defence budget to take into account every conceivable eventuality.

Mr. Hugh Bayley (City of York): Does my right hon. Friend agree that it is precisely because of the changed strategic environment that the Government have to develop a changed role for the TA? Unless the TA has a believable and a real role, there is no argument for it. Does he agree also that the role performed by the pre-formed Territorial Army battalion of the Prince of Wales's Own Regiment of Yorkshire—which went as the first pre-formed unit to Bosnia—is the type of role that the Government should be considering in their defence review, to build a real role and to give a real future to the TA?

Mr. Robertson: My hon. Friend speaks eminent common sense. We are examining precisely that type of role. As I progress towards the end of my speech, some of the thinking that has influenced us—on precisely how we will strengthen the TA—should become apparent. We are not interested simply in sidelining the TA—far from it. We shall find a new role in the new circumstances for the TA, making it much stronger and much more valued in society. I believe that we will also make it much more welcome.

Some people say that Territorial Army units are far less expensive than regular ones. Of course they are. However, no military capability is cheap. Each of the battalions costs annually between £2 million and £3 million to maintain. A total of £350 million of the annual defence budget is spent on the Territorial Army, not including the cost of their equipment, which could be valued at about £1 billion. We should remember also that Territorial Army units do not, like their regular colleagues, provide a 365-day, year-round capability.

Defence resources are limited. Moreover, there are glaring gaps in other areas of defence that—as Opposition Members know—we will have to fill.

So much for the financial balance sheet. There is another penalty to pay in maintaining units that we do not need, in roles that we do not need, against a threat that is receding and may never return. Furthermore, the penalty is paid by the units themselves.

The House will be aware of the consultations that the Government launched in parallel with the review, and will know that we have consulted widely with experts—for example, with former Secretaries of State for Defence, and Chiefs of the Defence Staff—within the services, and with members of the public.

The House may not be surprised to hear that the public's understanding of the Territorial Army seems to be very patchy. Whereas some people know a lot about it, others know very little. However, most worrying, I think, is a perception—with which hon. Members also may be familiar—of the Territorial Army as "weekend warriors". Some people say that the TA is not necessary and not serious. Such a view is sad and wrong, but it exists. I intend to change it, because the Territorial Army deserves better.

The House may recall last year's public speculation that we were about to declare the Territorial Army a leisure brigade. I hope that not only that but much other speculation is now dead. However, such speculation demonstrates my point about how the debate on the issue has been conducted.

We will do the Territorial Army no service by leaving large parts of it to languish in declining roles. However, I see an alternative to a declining role, in which the Territorial Army forms a key part of our armed forces. It is a role in which the Territorial Army can say to the

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public and to their comrades in defence, "You will need us, and we will be there." It is role for which, today, I say to the Territorial Army, "I need you; the Armed Forces of our country need you; and the country needs you."

The territorials—like hon. Members—have to adapt to the new strategic realities. We all know what those strategic realities are. First, we can count on much longer warning times, compared to the cold war, before a major and direct threat to the United Kingdom emerges. Secondly, the pursuit of our foreign policy objectives in this uncertain world calls for the ability to project power for many lesser eventualities. How many can we see immediately on the horizon? Thirdly, therefore, our armed forces must be structured and resourced to meet the unpredictable at short notice, when required.

We need the territorials. We need them to provide formed units that may be integrated into our Army brigades and higher formations for what we might term "power projection" operations. We also need the territorials, and the regular reservists, to provide individuals to reinforce our units for warfighting, because in war we need our units to be larger than they are in peace. Looking to the long term, we need the Territorial Army, our regulars and our regular reserves, to act as a basis from which we might expand our forces should the need arise.

Let me concentrate on power projection. We shall gain much by giving the territorials a greater role in power projection. For example, if we envisage a crisis on NATO's periphery for which we need to put a full division into the field, the presence of thousands of Territorial Army soldiers would greatly increase our capability. But if we are to do this, then we, here, must be prepared to call them out in such circumstances. In the recent past, we have not done so.

When I attended the TAVRA council seminar that was held to get over a strong message about the territorials, one thing that I heard loud and clear was that the territorials wanted to be in a position to be called up. That is one of the points of view that I have taken on board.

Mr. Brazier *rose—*

Mr. Robertson: The hon. Gentleman will probably have the opportunity to speak. My hon. Friend the Minister for the Armed Forces will wind up the debate, and I should not take too long, despite the interventions I have accepted and the points to which I have responded.

As I was saying, this is an important point, and one that deserves cross-party agreement, which I hope we can get. I do not know whether the hon. Member for Salisbury (Mr. Key) will agree with me about call-ups, but I hope he will. Let us make no mistake: if we go down this route, the territorials will not be just a nice add-on to a Regular Army which would be self-sufficient, anyway—they will be a vital addition to the Army.

We will need signallers, drivers, artillery men and women, military police, intelligence and survey teams. We will need TA soldiers who can repair battle-damaged vehicles, operate sophisticated military equipment, deal with local civilian populations, and engage in a very wide range of other specialist and core military tasks. Military jargon might label this "support", but it is real soldiering: dirty, dangerous, in the line of fire, and absolutely essential to any conflict in which we might be engaged.

I expect that we will conclude that we need many more medical reserves. As I said at Question Time today, the defence review has shown that there are serious weaknesses in many aspects of our medical forces, which we must address.

We are going to need units to be trained, capable and deployable at the readiness for which we require them. We are looking at how we may best bring territorial and regular training together, so that we can make better use of all the training that defence provides. However, we must recognise—this is perhaps the hardest part—that the need to defend the United Kingdom from a potential Soviet threat has diminished, and in many ways disappeared.

As most of our territorial infantry battalions and, indeed, many of yeomanry regiments are intended to fight at home, hon. Members will understand from what I said earlier that we will find it more difficult to see roles for these units than for others, but re-roling is one of the alternatives available to make these units more usable and much more satisfied.

We must also ensure that, where we do need a capability at very short notice, the unit that provides it is regular. We need to improve and enhance our management of the Territorial Army. I am thinking here of mobilisation procedures which at present are ad hoc, and need to be put on to a more dedicated footing. We also need better career management of individuals within the TA.

In previous debates, many hon. Members have referred to the work of the Territorial, Auxiliary and Volunteer Reserve Associations, as did the right hon. Member for North–West Hampshire. I join all those who have paid tribute to the TAVRAs. Their members give their time freely out of a deep commitment to this country's reserve forces. I have met senior members of the TAVRAs a couple of times in the course of the defence review.

The role of the TAVRAs—it is one that works—has much to offer the Defence Council which they exist to advise. The TAVRAs have stood the test of time in a way that few other tri-service institutions can boast, as their last reorganisation was in 1968. While we are considering some administrative changes to them, we see the attractions in retaining all the essentials of this relationship. We want to continue both their role as advisers to the Defence Council and their function in administering a range of day-to-day functions on behalf of the reserve forces.

The strategic defence review has given us the opportunity to modernise and restructure our regular and our reserve forces in a coherent—

Mr. Owen Paterson (North Shropshire) *rose—*

Mr. Robertson: I am sorry, but time is against me, and many other hon. Members wish to contribute to the debate.

The review has given us the opportunity to modernise and restructure our regular and reserve forces in a coherent and enduring way. It has confirmed the need for many current roles and some new ones, but also the need for some changes to existing roles.

The new Territorial Army will be capable and usable, and fitted to work with regular forces on all types of operations to a much greater extent than before. It will be sufficient to meet any likely operational eventuality. Details of the new structure are now being put together against a set of principles that have been agreed in consultation with senior Territorial Army officers.

The traditions of the Territorial Army are proud, and its members are committed. It must be possible, with that pride and commitment, with the right training, the right structure and the right direction, to fashion a new future for the Territorial Army, a future in which the TA will again be a key instrument for our security policy, and a credit to the nation.

8.6 pm

Sir Edward Heath (Old Bexley and Sidcup): I strongly support the positive approach adopted by my right hon. Friend the Member for North-West Hampshire (Sir G. Young). I hope that it will be adhered to for the rest of the debate, which I hope will not descend into the noisy wrangle that has unfortunately now become characteristic of the House of Commons.

My maiden speech was on European union for political, economic and military reasons. That was on 26 June 1950. My second speech was made on 18 April 1951 and it was on the Territorial Army. I had to get special permission to make that speech because, in the meantime, I had become a Whip and was not allowed to express myself without the permission of the Chief Whip. I made that speech because of my connection with the TA, which I declare to the House now.

The Honourable Artillery Company was formed in 1537 and is the oldest of all such institutions. It was formed by Henry VIII. At the end of the war, I commanded a regiment of it, and in 1947 I commanded the newly formed 2nd Regiment of the HAC for four years. I then commanded the guard at the Tower of London as master gunner. I therefore have many connections with the TA. I have been a member of the HAC for 53 years, and it is of immense importance to me and many others.

We have become accustomed to discussing the TA in rather difficult situations. We did so in the early 1950s while the Labour Government were still in office, and we did so in the 1960s when the numbers started falling rapidly. The Government of 1970–1974 managed to restore them to a certain extent, but not enough. They declined again under another Labour Government. So in our debate tonight, we are continuing a rather repetitive performance, but one that can be very healthy, as the Secretary of State said.

I was glad to hear the Secretary of State say that there is a strategic review. He went on to mention foreign policy. Of course, the two are closely interbound, and I am glad that he emphasised that, because a review is desperately needed in both respects. It must take account of our political position as a member of the European Union and of our economic possibilities as far as our defence forces are concerned. Both must be taken together.

I am afraid that, all too often, declarations from political leaders give the impression that we can deal with any problem throughout the world and, in fact, we have a mission to do so. Today, nothing could be further from the truth. We are just not capable of doing so. I have heard such declarations made by former Prime Ministers and by the present Prime Minister, who gives the impression that the world is at his feet and he will organise it. I hope that that is not really his view, and if it is, I hope that the Secretary of State for Defence will correct him, because that can lead to serious mistakes. When the review is finished, we shall examine very carefully how it is proposed that we should handle world affairs in future and where we believe that we can play a part.

The military is important in all that. We are emphasising tonight, as my hon. Friend the Member for Canterbury (Mr. Brazier) did in an earlier debate, and as we have done before, the importance of the Territorial Army, as well as the other territorial arrangements that the Secretary of State has rightly emphasised. The Territorial Army is not, for obvious reasons, as important as the Navy and the Air Force, but that has always been accepted.

We come to the question how the strategic significance of the Territorial Army has to be assessed. It has long been widely recognised that one can review such matters, but one of the difficulties is that the representation—to use a grandiose word—and influence of the Territorial Army at the highest levels are very small. There is no point in trying to deny that, and every senior officer whom I have met and had counsel with, from the highest levels downwards, has always, when pushed to the point, accepted that. There is no conspiracy, as some people are saying. It is natural that if one has no direct relationship with the Territorial Army and one wants to find a solution, one seeks it without taking particular notice of the TA.

The Secretary of State has tonight given us many assurances, and I hope that he will be able to maintain them. I shall come to one of those assurances in a moment. As the TA has very little influence in any Ministry of Defence organisation, it is easy to see why unwelcome incidents occur.

My right hon. Friend the Member for North-West Hampshire put forward the strong argument that maintaining the Territorial Army is far less costly than maintaining the Regular Army or other forms of military activity.

The idea of weekend holiday boys was mentioned. Those are the jeers of members of the press, which were wryly reported this weekend, and of people who have no sympathy whatever with any form of military activity, regular or territorial. We ignore that, but I agree that a large operation is required to inform the public of exactly what being a territorial involves. I was glad to hear the Secretary of State say that he is determined to bring that about. I shall not inquire at this point how he proposes to do it, because he may not have made up his mind, but it will be quite a task to bring home to the public the part that the territorials play and how important they are.

That is an issue that we were dealing with when I was commanding the HAC two nights a week plus weekends and a fortnight in camp. That is quite a demand on an ordinary chap, and the return that he gets to cover expenses is not all that great. He makes a big contribution.

I come now to the important point—the general suggestion that the strategic review will examine the territorial on the basis of how he fills the gaps. That is emphasised by recent operations in which territorials were

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sent to Bosnia and elsewhere. They do not do so as a separate entity; they go where there is a need that regular forces have not been able to fulfil. That is what worries all the territorials I know. They do not want to be simply a stop-gap operation; they want always to be a separate entity and to operate as such, and then they will meet the requirements of the strategy, providing that it is worked out on that basis. That is why the strategic review will be of great importance.

If those at the top of the Ministry of Defence say, "We have a gap here, so we must encourage a particular body to fill it," that will not meet the needs of the Territorial Army, because it is far greater than a series of gap-fillers or specialists who may be needed. To exist at all, it must be a complete social organisation that depends on its internal relationships to produce the answer that it wants and that those outside want. It must be complete in that sense, and if it is not, it will not continue, but will gradually fragment and break down.

I hope that when the Secretary of State considers his strategic review and what is proposed, he will always bear it in mind that territorials must be entities and have their own future. He can stand up against the demands that it should always be the Territorial Army that suffers and say that the regulars could also be reduced to meet our present requirements.

As I have tried to emphasise, those requirements are important in a proper assessment. We are no longer the world power that we once were. There is no point in pretending otherwise. We are no longer able to tell people exactly what to do. Even the Americans have discovered that today they cannot govern every trade deal in the world as they want to. It was a big blow when America became the major power rather than one of two super-powers, and it still has not accustomed or acclimatised itself to its role in the world.

We must allow for that, and we must not allow ourselves to be moved to one side. We must work out our own policies as part of the European Union and with other, limited responsibilities in other parts of the world. Unless we now face up to all that, we shall simply have another period of wrangling, arguing and doing no good, particularly when we are overstretching our capabilities.

I wish the Secretary of State well in his strategic review and the decisions that he must make. From what he has said, we can rely on proper respect for the Territorial Army and its future. I also hope that he will ensure that it retains its entities and does not become simply a filler of gaps that exist for other reasons. If he does so, he will indeed be praised.

8.18 pm

Mr. Allan Rogers (Rhondda): It is a privilege to follow the right hon. Member for Old Bexley and Sidcup (Sir E. Heath), especially as he has such a positive approach to the problem that we are discussing. Like him, I hope that we can all contribute positively to what the Government are proposing.

I must confess that I approached this debate with a measure of hostility. As an ex-member of the Royal Welch Fusiliers, and having served in the Monmouthshire Regiment of the Territorial Army, I am very much on the TA's side—like many who have been associated with it. We know the value of it and its contribution not just in our communities but in a military sense. Now that I have listened to the Secretary of State, however, my hostility is washing away, particularly because of his positive approach and the way in which, as he described, he is considering the problem of trying to define a new role for the Territorial Army for the next millennium.

I had the privilege—perhaps—of being an Opposition Front-Bench spokesman on these matters while the right hon. Member for Bridgwater (Mr. King), who is no longer present, and some of his predecessors were chopping our military potential. That was not after the cold war had ended; it was between 1985 and 1989. The Russian problem—the cold war—still existed, yet huge cuts were made in the armed forces. More than that, we had very long-term commitments in other areas.

Therefore, it is no good the Opposition attacking the Government from a holier-than-thou stance. If we consider "Options for Change" and what the Conservative party did in power, Conservative Members look rather ridiculous when they criticise the Government in such a debate. The irreducible minimum, which the right hon. Member for North-West Hampshire (Sir G. Young) attributed to Brigadier Holmes, was brought about by the Conservative Government. If there is an irreducible minimum, it is because of the previous Administration.

The Secretary of State has given me a great deal of hope by describing how he is trying to fit our forces into a role that relates to the strategic review. Time and again, in opposition, we asked the Government to do that, but all we had were substantial Treasury-driven cuts, year in, year out. Those cuts had nothing to do with the changing role of the armed forces or a strategic review, for which we continually asked. Let no one on the Opposition Benches attack the Government for not approaching the matter positively. The phrase that was trotted out was that the Government were creating a leaner and meaner machine, yet such a process produced an irreducible minimum, which left our military capability in an extreme state.

Mr. Gray: Will the hon. Gentleman give way?

Mr. Rogers: Others want to speak, so I shall not give way.

I hope that the Secretary of State will think about some of the points that are being made. To an ex-infantryman, the idea that the infantry will play a lesser role, as my right hon. Friend the Secretary of State seemed to be saying, is rather sad. I have always thought—at least I was always taught—that infantrymen were needed, after all the gunners, engineers and everyone else, to fill up space. I therefore wonder quite what the strategic role will be and why we need forces at all if sufficient infantrymen are not to play a proper role.

The most prominent example concerning the argument about the role of the reserves, how soon they can be put into action and whether they are capable, was in 1914. I am not quite old enough to remember that far back, but I have read how the British expeditionary force was wiped out. The massive input of reserves from the Territorial Army and the county yeomanry was the only reason why we managed to hold our position in France. That is a classic example of why a full civilian reserve Army is necessary.

The Secretary of State described medical skills in the Territorial Army and how they can be developed as a back-up, in making the point that civilians enter the Territorial Army with a high degree of skill that they have acquired in their civilian lives. Engineers, those with skills in new technology and the various technical regiments have been trained by industry, without the public purse being charged, and transfer their skills to the armed forces.

There is a general level of fitness, especially among infantrymen and special combat forces, and the level of ability among the TA's infantry men is very high. I have seen them in action; they can make an enormous and very positive contribution. It is not as if Dad's Army is to be called up in a crisis.

Mrs. Teresa Gorman (Billericay): Will the hon. Gentleman give way?

Mr. Rogers: I cannot resist giving way to the hon. Lady.

Mrs. Gorman: Does the hon. Gentleman agree that one of the enormous contributions that the Territorial Army makes is in education? Many young people who join as cadets and become full members enhance their qualifications, and therefore fit in well with the Government's drive for education, education, education.

Mr. Rogers: If the hon. Lady had been present for the Secretary of State's speech, she would have heard him make that very point. We all recognise the enormous contribution that the Army cadet force makes, using the facilities of local territorial buildings. We cannot underplay the value of such units in the community. One of the great strengths of an army—or a defence force, call it what we will—is that it is often locally based. Comradeship in the infantry is developed because regiments are county-based, and those in them have often been to school or worked together before joining the armed forces.

I am pleased with what the Secretary of State has said. We seem to have moved away from just Treasury-driven cuts and are adopting an holistic approach, to make our forces not just leaner and meaner but more effective, in a clearly redefined role. Opposition Members would do well in this debate to sit down and shut up, because their record in this area is pretty bad.

8.27 pm

Mr. Mike Hancock (Portsmouth, South): I should like to pick up one of the points made by the hon. Member for Rhondda (Mr. Rogers), which was also picked up by my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) when he asked a question about the link between the Territorial Army and the community. Sadly, the Secretary of State did not describe that future role. I should think that the majority of hon. Members would agree that there is a very strong link between TA units and the local community, and I am sure that every one of us would want it to continue. I hope that the Minister for the Armed Forces will react to that point and develop it when he replies to the debate.

We are fortunate to have the opportunity to debate the Territorial Army. I congratulate the Conservative Opposition on tabling the motion. How disappointing it is that we are debating it without knowing what the defence review is about. We were promised that, by now, the outcome of the review would be available for the nation to discuss. Had it been possible to keep to the timetable, we could have been debating the outcome of the review.

In responding to the motion, I am afraid, the Secretary of State did not go far enough for some of us to be able to support him in the Lobby. Despite many fine words, there was a lack of clarity in his response. Like the right hon. Member for Old Bexley and Sidcup (Sir E. Heath), I wish the Secretary of State luck. Most of us know that the defence review is in the hands of the Treasury. Indeed, one could question whether the TA is safe in its hands. One could seriously suggest that it is not. We have strong reservations.

It would have been good if the Secretary of State had been able to say that the Conservative motion was nonsense, and that the suggested 40,000 reduction would not happen in any shape or form. However, one would need to support the Government powerfully to believe that what he said would not lead to that outcome. He did not refute it, and the Liberal Democrats will support the Conservative motion, although with a heavy, not a glad, heart. We had hoped against hope—*[Interruption.]* The hon. Member for East Lothian (Mr. Home Robertson) can smile, but some of us were optimistic that the Secretary of State's opening speech would give us some enthusiasm for the idea that the Territorial Army would be safe in the Government's hands.

Many of us—if not the whole nation—recognise the work and value of the TA. The Secretary of State was kind enough to say that it still links with regular services in Northern Ireland, Cyprus, the Falklands and Bosnia. However, despite its fine record of achievement, the force's future remains murky at best. What the Government have in mind for the TA is not clear.

The Conservatives stand convicted of making judgments of which they might now think better, because they presided over a substantial reduction in the TA between 1988 and when they left office. In 1988, its membership was 74,700; by 1997, it was down to less than 56,000. There were 41 battalions and 164 companies in 1988; there are now 33 and 95 respectively. The Conservatives cannot stand one pace removed from the blame that they are trying to attach to the Government.

TA centres play a vital role in communities, but their numbers have fallen by nearly 100 since 1988. We must all accept, as the Secretary of State and the right hon. Member for North-West Hampshire (Sir G. Young) have pointed out, that there is a changing climate. We Liberals are no different; we recognise the changing climate, the peace dividend and the fact that the TA and other reserve forces cannot stand back from the realities of life.

That said, the TA does much more than support the community and the regular forces, when required. Hon. Members who have spoken—and, I am sure, those who will speak—have paid tribute to the commitment of TA service personnel, both men and women, who are serving in Bosnia. Hundreds, if not thousands, have done valiant work there. The TA's role is changing, and it has allowed itself to change from within. It has adapted, and it continues to do so.

I stress the importance of the TA in education and training, and the opportunities to return to full-time employment that it has offered to countless people whom

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I represent, who have gained successful employment because of TA training initiatives. I spoke recently to a group of truck drivers at the ferry port in Portsmouth, and found that six out of 30 of them had gained heavy goods vehicle licences through the TA. They all admitted that they would not otherwise have been in employment, because no one—certainly not the Conservative Government, who did not put money into giving those men an opportunity—would have funded such a programme. They are now back in work, and remain committed to the TA. It was interesting to hear their thoughts on the future.

The hon. Member for Rhondda was right to talk about the skills that the TA brings to the regular Army. Officers and non-commissioned officers in the TA willingly share their skills with others, and that helps to produce many ready recruits for the regular Army; 10 per cent. of Army recruits join because of the opportunities offered by the TA and the cadet forces, and bring with them techniques that they learned in the TA.

It would be a travesty of all that the Secretary of State has said if the review seriously undermined the Army cadet force.

Mr. George Robertson: The hon. Gentleman may not have been listening, but I said that we would give increased resources to the Army cadet force.

Mr. Hancock: I am grateful for that clarification. I can assure the right hon. Gentleman that I was listening, but I had hoped to hear a commitment that spelled out what that meant. What does giving more resources to the Army cadet forces really mean? Many such forces survive only because they are located close to TA units.

Mr. Brazier: And to infantry units.

Mr. Hancock: Yes, and to infantry units.

The TA has an ability to change. For example, the unit at Winchester has transformed itself, not because of any clear directive from the Ministry of Defence, but because it made a determined effort to address a changing world. The TA has not stood still, and flatly refuses to do so. It wants the Government to give a continuing commitment to ensuring its future in the defence of the country.

The TA is not only about skills and education, passing on skills or community links. It is about the jobs that are provided in the civilian world. My right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) tells me that 30 civilians were employed by the TA in his area, and he is seriously concerned about the future of the unit and those jobs. A leading Scottish newspaper, Dundee's *The Courier and Advertiser*, last month claimed that the TA was bringing millions of pounds to the Scottish economy by creating jobs for part-time and regular officers—men and women—and scores of civilian jobs. That is not peculiar to Scotland; it is the same in most constituencies in which the TA is located.

The Government have made great play over the past few months with the claim that the defence review is not financially driven. If that is so, they would be wise to think of the TA as a financial success story. It has cost us £340.4 million in the past year, which is 1.6 per cent. of the entire 1997-98 budget. For comparative purposes, let me say that the average TA member cost the Government about £6,100; that is cheaper than the reserve forces for the Royal Navy, the Royal Marines and the Royal Auxiliary Air Force, but I share the view that they are equally important. As I represent a Portsmouth constituency, I strongly advocate strengthening our commitment to the Royal Marines and the Royal Navy.

Having taken those costs into account, how can the Government possibly object to the continued spending of 1.6 per cent. of the defence budget, when they are willing to accept—if not gladly—the £3 billion cost of over-expenditures contained in the National Audit Office's latest report on 25 major projects?

Ms Rachel Squire (Dunfermline, West): Does the hon. Gentleman agree that the Government have inherited the £3 billion costs mentioned in the NAO report because of the mismanagement and incompetence of the previous Government?

Mr. Hancock: I could accept that if, at the end of the report, the Government had said what they were going to do about it. I remember a similar report this time last year, when the Government also said that they had inherited problems. The inheritance argument can be used for only so long. There comes a time—

The Parliamentary Under-Secretary of State for Defence (Mr. John Spellar): It refers to 1997.

Mr. Hancock: Of course it refers to schemes for 1997, but I thought that the Government came to power on 1 April 1997.

Mr. George Robertson: The hon. Gentleman makes a valid point about waste in the Department, but the report that he is waving covers the period before we came to power. In the strategic defence review, I promise that there will be radical proposals to the sort of problems highlighted in that report and to those that have been created over the years. I hope that it will be successful and that he will be able to congratulate us, but I also hope that he will not blame us for everything that went on before.

Mr. Hancock: I would not dream of blaming you for what went on before.

Mr. Deputy Speaker (Mr. Michael Lord): Order. I trust that the hon. Gentleman is not blaming the Chair for all those problems.

Mr. Hancock: Some hon. Members can claim no involvement, whether for or against, what went on. I was not here during the period concerned. If I had been, perhaps I might have had more to say at the time. Of course I am not blaming the Secretary of State or the Government for the problems that they inherited. I am saying that there is a more worthy response than the one that we have had to those problems rather than simply shirking and passing the blame, which is not good for anyone.

As every right hon. and hon. Member has said, the Territorial Army is a great asset to the nation and a real bargain, yet the Government fail to realise that. Buying an overpriced missile seems to be more impressive to them—some people will always prefer the Ferrari to the Ford.

The TA is truly a people's Army. It really embraces the community and men and women from all walks of life. It gives great opportunity and is worthy of support. If we are unable to give that commitment to those men and women, how on earth can the Secretary of State suggest, as he did tonight, that he will go further with them and that we will get more out of them? How does he hope to do so if the Government cannot give the assurance that they need? They offer diversity of skills and combat support enhancement and they seek a guaranteed and continuous role.

Anything short of that from us here tonight will be seen as a slap in the face for men and women who give up their time week in and week out, many of whom are prepared to put their lives on the line in Bosnia and Northern Ireland, for example, for the sake of this country's defence. Those people are worthy of more than a slap in the face. They are worthy of continuous support and of a bright and clear future.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Before I call the next hon. Member to speak, I remind the House that this is a relatively short debate and that many Members want to contribute, so it would be helpful if speeches were limited.

8.41 pm

Mr. Huw Edwards (Monmouth): I acknowledge the contributions made by right hon. and hon. Members to the debate. As a relatively new Member, it is a particular privilege to follow the right hon. Member for Old Bexley and Sidcup (Sir E. Heath), who has a distinct expertise in this matter. The debate has certainly shown that there is much expertise in the House on the subject. I confess that I do not have a military background, but simply represent an area with a fine military tradition. I wish to speak to that tradition and about the role of the Royal Monmouthshire Royal Engineers.

This should be part of a national debate and not merely an Opposition day debate, because there is considerable misunderstanding and a lack of appreciation of the role of the Territorial Army and other reserve forces. The TA has played a long and distinguished role in our armed services and will play a distinguished role in the future. I shall illustrate that by referring to the regiment in my constituency. Monmouth is the regimental headquarters of the Royal Monmouthshire Royal Engineers (Militia)—the senior regiment in the Reserve Army.

Mr. Gray: I have heard the hon. Gentleman say before that the Royal Monmouthshire Royal Engineers is the senior regiment in the Territorial Army. He is incorrect, as the Honourable Artillery Company is the oldest regiment and takes right of line, and my right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath) and I have both been members of it.

Mr. Edwards: I am grateful to the hon. Gentleman, but I have sought clarification. The Honourable Artillery Company is the oldest regiment and the Royal Monmouthshire Royal Engineers is the senior. I have that on the authority of the recently retired commanding officer, with whom I clarified the matter a few weeks ago.

The regiment can trace its history back to 1539. It is the oldest unit in the entire British Army after the Honourable Artillery Company. Last Saturday, I attended the beating of the retreat ceremony and I have attended other regimental events, notably the dining out ceremony of the previous commanding officer, Lieutenant Colonel Paul Lodge, to whom I pay particular tribute for his work to bring the regiment closer to the community in Monmouth and for work undertaken in a number of areas.

The Royal Monmouthshire Royal Engineers is one of the nine Territorial Army engineer regiments, providing general support and multi-capability support for the Regular Army. Squadrons of the regiment are based in a wide area from south Wales to the west midlands, including 100 Field Squadron at Cwmbran and Cardiff and 108 Field Squadron at Swansea. As part of the Royal Engineers, the regiment provides a wide range of skills and trades, including bridge building and the construction and repair of airfields, roads and railways, plus the skills that individual members bring from their civilian life.

I must highlight some of the achievements of the regiment at home and abroad in recent years. In Bosnia, the Royal Monmouthshire Royal Engineers was the first TA regiment to work for a full six-month secondment in support of the Regular Army when a troop of two officers and 20 other ranks under Captain Louise Clarke supported 21 Engineer Regiment in such tasks as mine clearance, snow clearance and road building. I pay a particular tribute to Captain Clarke, who is an example of the way in which many women officers have played a higher role in the Territorial Army than in the Regular Army. More recently, Captain Nevill Simpson has returned from the multinational liaison headquarters in Bosnia.

Bosnia has provided an example par excellence of the role of the TA in supporting the Regular Army which my right hon. Friend the Secretary of State acknowledged and paid tribute to earlier. The regiment has also provided troops to support the Regular Army on exercise recently in Wainwright in Canada.

Of course, the Territorial Army plays an important civilian role under the military aid to civil communities programme. For example, the Royal Monmouthshire Royal Engineers has been involved in the construction of an adventure playground, in river diversion, bridge building, forestry work and woodland tracks. Those have included a track in Llanybydder in west Wales for people with disabilities, bridges over tributaries in the Wye valley and work on the construction of the new monkey house at Dudley zoo—activities that will be maintained and enhanced given the commitment—[*Laughter.*] I can assure Conservative Members who are laughing that I have been well briefed. I refer those who doubt what I say to the excellent report produced by the Territorial Army Volunteer Reserve for Welsh Members at a briefing that I sponsored here.

When necessary, the Territorial Army is on call for disaster relief. It could have assisted during the recent floods in my constituency had it been requested to do so by the local authorities. I was sorry to hear that, because of the financial constraints imposed by the previous Government in the early 1990s, local authorities and other public bodies are charged heavily for the use of the Territorial Army and are therefore reluctant to request the use of equipment and personnel that are readily available.

The TA also makes a valid contribution to the local community in my constituency, often without adequate recognition. In the past two years, the regimental headquarters has been the setting for productions of

[Mr. Edwards]

"Macbeth", and of "Henry V", who was born at the castle in Monmouth. The Gwent young people's theatre put on those productions in conjunction with the regiment, and I encourage hon. Members to visit Monmouth in July to see this year's production of "The Royal Hunt of the Sun" at the castle. Finally, the Royal Monmouthshire Royal Engineers contributes so much to maintaining the dignity of the annual remembrance service in Monmouth.

About 70 per cent. of the Army medical service is provided by the Territorial Army. In Wales, we have 203 Field Hospital Royal Army Medical Corps (Volunteers), although I regret that, in recent years, that corps has been severely reduced from a general to a field hospital. There is natural concern that "Options for Change" imposed excessive cuts on the Royal Army Medical Corps—I know that the Government want to deal with that.

The Army cadet force helps young people to develop leadership skills and discipline, training them primarily to become good citizens. My right hon. Friend the Secretary of State has acknowledged its role and committed additional resources to it. Recently, I met a group of Army cadets at the opening of the new Gilwern detachment in my constituency—I look forward to visiting the cadet forces' camp in Leek, Staffordshire, in July.

Mr. David Drew (Stroud): I concur with my hon. Friend's point about the inextricable link between the TA and the Army cadet force. I am sure that he will agree with the chief constable of Gloucestershire, Mr. Tony Butler, who wrote to me on the importance of that link and of our recognising the social value of the cadet force.

Mr. Edwards: I certainly agree. In my constituency, the social services have forged links with the Army cadet force, as they have appreciated the role that it can play, especially in areas of social deprivation and with children and young people who are on the edge of juvenile delinquency.

This is clearly a crucial time in the strategic defence review, and there has been considerable speculation about the future of the Territorial Army and other reserve forces. I have no doubt that the TA provides a role in supporting the Regular Army and in contributing to the civilian duties that are not adequately appreciated by the public—we, as Members of Parliament, have a responsibility to inform and enlighten our constituents and our political parties about those important roles.

The Royal Engineers has nine TA regiments. I convey the concern that I have heard that, because of successful lobbying by the infantry territorial regiments, the Regular Army is required substantially to reduce the reserve engineers—from nine regiments to perhaps three. Like those with whom I have recently discussed the matter, I believe that that would be disastrous. The engineering regiments have combat and military skills that can have immense benefits in the aftermath of conflicts, as was demonstrated in Bosnia.

The Government have said that there must be a substantial reserve force, which is properly resourced to meet the new roles and requirements identified in the strategic defence review. The reserve forces must be relevant, usable and integrated—they must be capable of being speedily deployed at times of international and national crisis. I sincerely hope that the engineering regiments, most notably the Royal Monmouthshire Royal Engineers, have demonstrated that they meet those requirements. I commend the Government's commitment to enhance, rather than to destroy, the Territorial Army.

8.52 pm

Mr. Julian Brazier (Canterbury): This debate goes to the heart of what the armed forces are for. I am proud to follow the excellent opening speech of my right hon. Friend the Member for North-West Hampshire (Sir G. Young) and the contribution of my right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath), the Father of the House.

On several occasions, Ministers have suggested that the TA is the only part of the armed forces that can speak for itself. As the son of a Regular Army officer, I find it particularly hard to make two harsh comments about the conduct of a small group of regular staff officers—neither of which, I believe, were what Ministers wanted. First, a decision was taken to make no comparative appraisal of the relative cost-effectiveness of regular and territorial combat units such as have been carried out in other countries. From the outset, it was decided to avoid any appraisals—the downgrading of the role of the Territorials from combat was never intellectually challenged.

Secondly—and more unedifying—we had the spectacle of a regular major-general openly boasting about leaking to the press proposals to decimate the Territorial Army. He must have known that that would hit TA morale and that the TA has no general officers to defend it. The TA had to turn to Members of Parliament—it had no one else. Many parts of the TA, including the infantry, had better recruitment records than their regular counterparts but, needless to say, TA recruitment has plummeted in recent months because of that dreadful publicity.

On the big picture, the armed forces have very important peacetime duties. As we know, they are overstretched because of Ulster and Bosnia—Ministers were right to take full account of that in the strategic defence review. However, grave as those duties are, the most important function of the armed forces is to participate in major conflicts, which, sadly, we almost never foresee. The first world war was unforeseen a few weeks before it happened; the Gulf war was unforeseen a few days before it happened.

The two most recent conflicts—in the Falklands and in the Gulf—were both fought over open, unpopulated terrain. Not since the Indonesian confrontation have we needed a large number of soldiers on the ground—of course, the Regular Army was much larger then. However, we may need substantial forces again, especially if the Balkans catch fire or if it proves necessary for the west to invade Iraq on the ground, which no Minister of the Crown should rule out.

As third-world countries steadily acquire weapons of mass destruction, the prospects of our suffering heavy casualties in defending our vital interests from some totally unanticipated threat are increasing, not declining. This is no time to bank on optimistic projections. Recent events in India and Indonesia are further reminders of the dangerous instability of the world in which we live.

Reserves are critical for two reasons. First, as is widely accepted, they provide military understanding in the wider civilian community—I know that the Minister is very

conscious of that. Given the demise of the Royal Naval Reserve and the Royal Auxiliary Air Force, which are now very small, that frail link is largely provided by the TA. Secondly, and even more importantly, the high cost of modern manpower means that we can afford only a small Regular Army in peacetime. Today, there are only two regular divisions; we should remember that 14 Axis divisions proved totally inadequate to pacify the Balkans in the second world war.

The combat arms are by far the most important element of the reserves. I do not underrate the importance of logistic and supporting units—many of them, particularly the medical units, play an important role in bolstering inadequate regular functions. The fact remains, however, that those regular units at least have civilian counterparts—from the national health service, BT and so on—who can, in principle, be put into uniform, whereas there is no civilian equivalent to combat units.

In America, comparisons were made between regular and National Guard combat units. When the excellent performance of the National Guard artillery in the Gulf war was examined, it was decided that more than 70 per cent. of American artillery should in future be held in the reserve forces. In a recent trial in the Nevada desert, a National Guard tank unit completely outmanoeuvred and thrashed a regular tank unit. The Americans have identified how to get more bangs for the buck.

In Australia, a largely reserve brigade is being stood up for deployment at 90 days for overseas power projection, which the British Government also want. At a fraction of the cost of their regular counterparts, reserve combat forces are regarded in Australia as highly cost-effective. Why, I repeat, was no appraisal carried out of reserve brigades in this country? From the beginning, it was argued by an almost entirely regular staff—most of whom had no experience of the TA—that the TA should be pushed out of combat into logistic roles.

Each country's circumstances are, of course, different. None the less, we are not alone in the fact that regular defence staff want to plunder the reserves to favour regular forces, under the guise of allegedly objective advice to Ministers. Many regular officers, serving and retired, disagree with the advice of that small group of staff officers.

In America, Congress unearthed the details, which had been concealed by the Pentagon, of the exhaustive trials that had taken place in 1992, showing that the performance of the National Guard armoured infantry battalions was very close to that of their regular counterparts. American Ministers recently overruled their chiefs of staff to enhance two National Guard divisions for short notice power projection abroad.

It would be very sad if MOD Ministers were to accept their advisers' line that proud British reserve units should be seen as gap-fillers to the Regular Army. Territorials are pleased to serve in Bosnia, but that is not why they enlist. They join—as speaker after speaker in another place remarked—to serve with their friends as members of their local units, generously preparing to serve Britain in the next major conflict.

The Minister for the Armed Forces knows that I have the highest respect for him. When I was a rebellious Government Back Bencher, he and I joined forces more than once. I ask him and the Secretary of State to ask themselves, and to press their regular staff officers and ask, why does an up-to-date role for reservists in America and Australia mean combat brigades of reserve troops, while in Britain it means driving trucks for the regular Army?

8.59 pm

Mr. Hilton Dawson (Lancaster and Wyre): Thank you, Mr. Deputy Speaker, for the brief opportunity to take part in what has been a restrained and serious debate on a serious subject. We have had much discussion across the Floor of the House about the Territorial Army's role. A person from Lancaster does not need to hear many lectures on the Territorial Army's importance to the well-being of the United Kingdom. People in Lancaster were angered and demoralised by a previous Government who made regular cuts but failed to review roles, and who stretched vital defence responsibilities more tightly over decreasing resources.

In Lancaster, we are very proud of the Territorial Army. Lancaster is the home of the fourth battalion of the King's Own Royal Border Regiment. We are steeped in history. We have had a volunteer force in Lancaster since Napoleonic times. In the two world wars this century, three Victoria Crosses, six Military Medals and two Distinguished Conduct Medals were awarded to Territorial Force/Territorial Army soldiers of the King's Own.

However—despite the excellence of the King's Own Royal Regiment museum—we do not live in the past. I won the most recent general election in Lancaster openly and explicitly on a platform that emphasised the need for a strategic defence review to provide for effective defence, led by foreign policy to react speedily to events, to co-operate with allied forces and with the United Nations.

Despite all the worries about the future of the Territorial Army, I really hope—indeed, I think—that the TA has nothing to fear from the challenges of modernisation, from the demands of new tasks and from the requirements to take on new skills and to respond quickly and flexibly as a vital part of a coherent, properly resourced defence force.

The fourth battalion of the King's Own Royal Border Regiment does not live in the past. It is a substantial force of some 422 soldiers, who occupy a new, purpose-designed headquarters, which was also a very effective base for the local Army cadet force. In recent years, the number of women serving in the TA in Lancaster has doubled. A few weeks ago, on 27 April, 23 men of the fourth battalion returned from an invaluable six months' service in Bosnia. Ten of those soldiers will be staying on in the Regular Army.

The party that made defence cuts year on year—however Conservative Members might portray it—does not do much service to the bravery and integrity of the Territorial Army when—

Mr. Blunt: What will the hon. Gentleman do if the fourth battalion of the King's Own Royal Border Regiment pays the price for the Government's unwillingness to increase the defence budget to accommodate a TA of 55,000?

Mr. Dawson: It is slightly absurd that such an issue is raised by an official Opposition who made cuts year on year when in government.

[Mr. Dawson]

It is essential that in the debate we consider the national interest, strategic defence policy and effective defence policy. I believe that the fine women and men of the Territorial Army will meet the challenges of the future, welcome newly defined roles and responsibilities and serve this country well as a substantial reserve force. We need to ensure that they have an effective future, and I very much hope that Lancaster has a very effective future as a base for a modern Territorial Army. Ultimately, however, the national interest, the strategic interest and the defence interest of the United Kingdom will lead the way, and it is essential that we have a modern, well resourced reserve force to meet the UK's interests.

9.5 pm

Mr. Tony Baldry (Banbury): In the 1970s and 1980s, while many of the Labour Members and their supporters were attending Campaign for Nuclear Disarmament rallies, hundreds of thousands of men and women—among whom I was proud to include myself, having served in the TA for 18 years—were supporting the regular forces and supporting a commitment from a Conservative Government and a commitment through NATO which, in due course, led to the disintegration of the Warsaw pact and the collapse of the Berlin wall. What the hon. Member for Lancaster and Wyre (Mr. Dawson) calls defence cuts were in fact a substantial peace dividend, accumulating because we had shown the determination to ensure that the Warsaw pact would disintegrate and collapse. Significantly, many of those countries now wish to join NATO, and NATO exercises frequently take place in erstwhile Warsaw pact countries.

This is a short debate, and I simply wish to make two or three points. First, for a long time the Regular Army has required the support of the TA in many specific roles. I have the privilege of being honorary colonel of my unit. When all the men and women in my unit are on parade, they manage to muster between them every campaign medal from Aden to the present day, because they have no equivalent in the Regular Army. They are the laundry squadron—not an especially glamorous unit, but the only unit to provide laundry for field hospitals and to provide support for men and women training in them. There are several such units.

I say to the Minister for the Armed Forces, the members of that squadron and all members of the TA fear that the current defence review is Treasury-driven, and they are worried that, as my hon. Friend the Member for Canterbury (Mr. Brazier) said, the Regular Army will protect its Budget and its back, and has pushed the cuts down to the Territorial Army. Not only will there be cuts in the infantry units, but the specialist units will be rendered inoperable because they will not have enough training days. If we call upon people to carry out specialist tasks, they require sufficient training days for the purpose. Without an allowance of enough training days, commanding officers may be tempted to keep on their books men and women who are less than effective so as to use their training days for others who are effective and efficient.

The Secretary of State talks of re-energising the Territorial Army. I hope that the Minister will ensure that units are given a decent number of training days. It is impossible to provide the regular Army with specialist support on a shoestring.

Those of us who have been involved with the armed forces must continually repeat that we cannot see into the future. Almost every conflict in which we have been involved has been unforeseeable. If the Regular Army is to have the right support, it will require fully trained men and women—and much of that training will apply to TA general units. It is not possible to train up men and women with good signalling or other military and disciplinary skills in a matter of days—they take time to acquire.

Of course I understand the temptation to say that the threat has disappeared so the needs of the Army have changed. We all recognise that they have—but who would have envisaged UK troops staying in Bosnia for as long as they have? We are, after all, a permanent member of the Security Council, and there is always the temptation, or the need, to punch above our weight in the world and to send troops to parts of it where we never imagined they might be needed.

Only recently, we debated in the House whether to send troops to Albania. Had we done so, among their number would have been many members of the Territorial Army. If the Government chip away at the backbone of the TA to such an extent that it can no longer provide generalist units to serve overseas in support of regular units, they will undermine the effectiveness not just of the TA, but of the Regular Army, too.

Ms Squire: Will the hon. Gentleman give way?

Mr. Baldry: I was about to conclude, and many other Members are waiting to speak.

When considering the defence review the Government will appreciate, I hope, that this is not just a matter—those of us who have been Ministers understand the financial pressures—of taking a budget and wondering how to shoehorn the TA into what the Treasury has allowed. The Territorial Army is a priceless asset, and we destroy it at our peril. It is based on a culture of tradition and discipline, passed on from generation to generation, from sergeant major to gunner. Once destroyed, that culture can never be rebuilt. By reducing the TA, the Government will damage the whole of our armed forces. I hope very much that they will think again.

9.11 pm

Ms Rachel Squire (Dunfermline, West): I agree with the hon. Member for Banbury (Mr. Baldry) that the Territorial Army and our reserve forces are a priceless asset. I would certainly not support the Government's strategic defence review and examination of the future role of those reserve forces if they thought otherwise. It is, however, rather bizarre to hear Conservative Members arguing that the TA should not just be kept at its present size but enlarged, on the ground that we cannot foresee future conflicts. After all, it was the Conservative Government who cut our regular forces by as much as one third, arguing that they were no longer required in the same numbers because of the end of the cold war. There seems to be a contradiction there.

I should like to make my points in the spirit of those of the right hon. Member for Old Bexley and Sidcup (Sir E. Heath), who said that we should debate the issue in an atmosphere of mutual recognition of our commitment to, and admiration for, the TA and the

reserve forces. I would welcome more time for such debates. I support the comments about their key role in the community and their educational role.

Although I have had limited contact with the Territorial Army in its Dunfermline and West Fife area, I have listened with keen interest to the contributions of other hon. Members, and I have been closely involved with the reserve forces of the Navy and the Air Force. I should declare an interest with respect to the Maritime Volunteer Reserve Service, which was formed as a result of the previous Government ending the Royal Naval Auxiliary Reserve. I am well aware of the negative emotions that that produced.

Our reserve forces are invaluable and should be given an enhanced role in the future defence of the country. We live in an unpredictable world, and we must recognise the changed nature of conflict. I was interested to read an article in the *RUSI Journal*—the Journal of the Royal United Services Institute for Defence Studies—by Brigadier Richard Holmes, the director of reserve forces and cadets. He states:

"In place of quantifiable threats we have more elusive risks. In place of a war of necessity, we have the prospect of wars of choice, where the decision to intervene—and, no less important, at what level and for what duration to intervene—is seldom likely to be simple."

That encapsulates the changed nature of the defence and security environment, the importance of the strategic defence review and the need to consider the future role of both regular and reserve forces.

Our reserve forces must not be allowed to feel that their role is being downgraded or, as was said by the right hon. Member for Old Bexley and Sidcup and others, that they are being used to fill the gaps in the role that should be played by our regular forces.

There are three aspects worthy of our consideration, and I support the approach to them taken by my right hon. Friend the Secretary of State for Defence and my hon. Friend the Minister for the Armed Forces. The first is the increased need for rapid reaction. We require a substantial, highly trained and well-equipped force that can respond quickly. The training of our regular and reserve forces is crucial for them to fulfil that role.

The second aspect is recruitment. I have been delighted by the success of the Army recruitment centre in my constituency in attracting more young people into the armed forces, in line with our new deal initiative, and in providing the initial gateway training that transforms those people's lives and ensures that they can meet the standard. The reserve forces must work in tandem with the regular forces, but we need to be clear about the balance between quality and quantity.

The third aspect concerns the regular forces' need for greater logistical and technical support. The reserves could play a role in that area. We must build up the defence medical services, which I think all hon. Members will agree were reduced drastically beyond the level necessary to provide vital back-up in the field of conflict.

I am well aware that other hon. Members wish to participate in the debate. I support the Government in their review because I think that it will enhance the role and the reputation of our reserve forces. We have an opportunity to show the Territorial Army that we recognise its value and that we are determined that it shall continue to make a vital contribution to the defence of this country. To do that, we must include the Territorial Army in the strategic defence review, and we must work with the Territorial Army to strengthen, develop and modernise its role.

9.20 pm

Mr. Keith Simpson (Mid-Norfolk): Virtually every hon. Member who has spoken tonight has said that the Territorial Army is very important in terms of the operational effectiveness of our armed forces, the role that the Territorial Army plays in linking with civil society and its general social support role. That is not the area of disagreement. The Government's amendment argues that the Territorial Army must be seen as

"relevant and even more usable reserve forces to help support Britain's foreign and security policies."

If we are to examine the Territorial Army, we must return to those basic issues. I am sorry that I must reiterate the point, but we still do not know what the foreign policy baseline is. The Government have failed to provide that information. Until we know what the baseline is, we have no idea what our security policy is.

I agree with the Secretary of State and other hon. Members who said that the Territorial Army must not be preserved in aspic: it must change and be made relevant. We do not disagree about that. The problem is that the Opposition believe the Territorial Army will be squeezed to fund other areas of the armed forces because of the constraints on the defence budget. The strategic defence review has still not been published—and I do not think it will be published until July. There is no more money available.

Unlike my hon. Friend the Member for Canterbury (Mr. Brazier), I do not necessarily blame those staff officers in the Regular Army who, upon being faced with having to provide extra combat support for the Regular Army under the general framework of the strategic defence review and upon being told that there is no more money, have logically looked to the Territorial Army to find those cuts. I suspect that the Secretary of State's speech has cast great gloom over many men and women who serve in our infantry and armoured corps Territorial Army units. They realise that there must be changes and reductions, but they believe that they will occur because the defence review is ultimately Treasury-driven.

Several hon. Members have stressed that if the combat capability of the Territorial Army infantry and armoured corps falls below a certain critical mass, it will not be able to cope with the sorts of unexpected emergencies that have arisen all too often in the past. My former colleague and old friend Brigadier Richard Holmes, the director of reserve forces and cadets, has been quoted several times tonight—and who am I not to do the same? In his Royal United Services Institute lecture on 21 January 1998, he said:

"If there is a need to retain a reserve without commitment as to future employment, one could do worse than hold back some infantry battalions."

I fear that the strategic defence review may be one cut too many for the TA. I fear that it will consist of individuals and specialist units who will provide a great deal of support for our Regular Army, but will not be able to reconstitute our armed forces in response to a major national emergency. That could be the result of a cut too many for the TA.

[Mr. Keith Simpson]

I declare an interest in that I am an honorary colonel of the Royal Military Police TA, which comprises 1,100 men and women. Many have served in Bosnia, Northern Ireland and elsewhere. I am conscious while wearing that hat, and as a constituency Member, of the role carried out by the TA centres, many of which are threatened with being cut. If these centres are cut, along with the cadets, the Ministry of Defence will be cutting off its nose to spite its face.

In Norfolk alone, about 50 regular soldiers every year come from the TA and the cadets. I urge all right hon. and hon. Members to support the Opposition's constructive motion. I fear that the cuts proposed for the TA are based not on modernising it and preparing it for new operational roles but on providing the necessary money to fund the Regular Army for its new commitments following the strategic defence review.

9.25 pm

Ms Dari Taylor (Stockton, South): Much of the debate centres on the competence of the Territorial Army and reservists generally and on their relevance as a modern-day fighting force. It is often said—sometimes, I am sad to say, in the House and often among the public—that the volunteers represent a fighting force of the past. It is said that they are more to do with keeping retired soldiers busy than with providing an active soldier force. I find that offensive, although I am not a reservist and I am not a member of the TA. However, I have seen them at work and I acknowledge their commitment. I find it offensive when people make casual and cutting comments about the abilities of members of the TA and reservists generally.

There is a clear belief that modern warfare is not warfare for reservists. It is felt that we need rapid reactionary forces and that the reservists do not form part of that concept. I see no evidence of that. It is felt also that the reservists are not part of high-tech surveillance. The fact is that many people move from the outside world of high-tech to give the Army information and techniques that it does not have. Accordingly, there is no evidence that reservists are not part of high-tech surveillance.

There is a belief that the infantry is a highly trained team-based war machine of which reservists cannot be part. I see no evidence of that. Surely Bosnia especially told us that there is no evidence of that.

Many of our experts talk about the future of warfare, and somewhere we seem to be falling between the potential for guerrilla war on the one hand and high-tech surveillance on the other. There is the notion that perhaps we are moving towards casualty-less war. Surely recent evidence tells us that that is not the case. Bosnia, especially, tells us that.

I have seen the British Army at work in Bosnia. It was made up of regulars and reservists. There was no differentiation. No one knew who was what. Everyone was working together as a team, and an extremely effective one. There was an incredible volunteer organisation. I am speaking of people who gave their time and commitment. They gave Bosnians—both Serbs and Muslims—a belief that they had a future. I saw our reservists in a war-torn, frightening country. Houses and gardens were ribboned off because they were mined. Blocks of flats were no more than shells, and hospitals, schools and homes were rubble.

To see our reservists working there gave me a sense of pride. One cannot pretend about that sense of pride; one looks at them and knows that they represent the best of Great Britain in the Army. They were committed, concerned and determined, and there was no differentiation between reservists and regulars. I would hate to believe that we will start to make that differentiation.

My honourable colleague, the hon. Member for Canterbury (Mr. Brazier), is right: the Ministry of Defence has many people—experts, generals and others with a history in the armed forces—who blind it to the quality of the reserve forces in Great Britain and to the fact that those people give so much more than simply the time in which we see them perform. Their quality is their professionalism in so many different spheres.

I should have loved the opportunity to speak for longer, but I am being told to wind up. I should like to have said how valuable the reservists are in my community. In the north of England, more than 4,000 youngsters are involved, and it is all down to the TA. I should hate to see them denied a sense of pride in their regiments and squadrons. They work within the community, they raise funds and they have fun, which is everything that we want youngsters to do. The reserve forces must be sustained and built on. They have a good future.

The Secretary of State made a clear statement that the TA has a future. It is now up to us to keep reminding him that we want a commitment in terms of the reservists' value and tremendous future. I am sure that he will say that they can face new challenges and are up to those new challenges. I am sure that we shall see an expanded reserve force, not a contracted one.

9.31 pm

Mr. David Maclean (Penrith and The Border): It is a great pleasure to follow the hon. Member for Stockton, South (Ms Taylor), because her central thesis was right. If she discovered in Bosnia that members of the Territorial Army were giving excellent service and were every bit as good as the Regular Army in their support roles of driving HGVs and providing a service in the Royal Logistic Corps and the Royal Engineers, she is absolutely right to conclude that members of the Territorial Army infantry units can give the same valuable service to the Regular Army infantry battalions if they are trained to do the job.

The Ministry of Defence used to consider the TA battalions to be an invaluable part of the infantry fighting forces. I was proud to serve in the 51st Highland Volunteers. I could probably take the Minister back to a particular part of Germany and show him the piece of ground that my platoon was allocated in the late 1970s and early 1980s. I could show him the trench that had been planned for me, as platoon commander—not 50 miles behind the line or back in the KP, but on the front line—as part of a battalion committed to 1st BR Corps. We were committed on the expectation that, if the enemy forces came across, we would be wiped out within the first 12 hours, along with all the regulars.

If we could train for a combat infantry role then, surely we can now train for a combat infantry role in the new, changed circumstances. The Secretary of State seemed to

say that, as so many of our TA battalions now play a home defence role, and there is no real home defence role for them to play, they must either be scrapped or we must boost the support role of TA battalions and have more HGV drivers and Royal Logistic Corps people.

A few years ago—before the Berlin wall fell and we had the peace dividend—the bulk of our territorial infantry was committed to Germany and front-line forces. The Minister is a reasonable man. I gave him a standing ovation when he performed admirably at the annual dinner of the London Scottish a couple of years ago. I shall remind him what he said there.

We used to have that combat role, and we can have it again. We cannot have a viable TA made up only of support troops, although Welsh Members, who argued for their engineering battalions, should look at the history of the Royal Engineers, especially those engineers from Wales who were caught up at Rorke's drift. They thought that they were engineers first, but they were soldiers first and engineers second. Every person serving in the Army should be a solider first and a specialist second.

There is scope to maintain the current level of TA infantry. I should not regard it as strengthening and enhancing the role of the TA if the number of infantry were cut and the number of HGV drivers increased. I know the reserve forces and I apologise, through the Minister, to the general in charge of recruiting: I have not sent back my yellow form yet, because I could not find the right boxes to tick when asked for my specialist skills. I am tempted to take up my HGV course, because then I would have a relevant skill that the TA might need. It should not be that way. There is still a need for infantry soldiers, and I look forward to the Minister honouring the commitments that he made at that wonderful London Jocks dinner.

9.35 pm

Mr. Robert Key (Salisbury): It was always intended that the debate would be constructive, and so it has proved. The Secretary of State gave little away in his opening speech, except some rather disturbing pointers of which we shall hear more anon. He said that the strategic defence review would strengthen the TA and used the words "relevant", "usable", "capable", "effective" and "better integrated". We all, of course, agree with that. He also said, however, that numbers were not the only or even the main issue. We could probably agree with that proposition, but we do not know enough about it to know what it means.

The Secretary of State mentioned cuts to the TA under the previous Administration. He realised that there were bound to be cuts in the defence budget—that is true—but the Labour party in those days wanted even bigger cuts to the post-cold-war defence budget. That seems conveniently to have been forgotten, as history has been rewritten.

It was a pleasure to listen to my right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath), the Father of the House, who is my constituent when he is not in his constituency. He has a feel for the history of our nation and our communities and for the TA. We have always acknowledged his deep knowledge, which, fortunately, has not been shared by successive generations: because of the sacrifice made by his generation, they have not had to engage in warfare on the same scale as his generation did. We acknowledge his wise words, and I agree with him that the TA should be a complete social organisation, not a bunch of gap-fillers.

As ever, I listened with pleasure to the hon. Member for Rhondda (Mr. Rogers): his was a loyal speech from an old soldier. The hon. Member for Portsmouth, South (Mr. Hancock) made a good speech, in which he said that the White Paper should by now have been published. Of course it should; it should have been published when it was promised—months ago. He also accurately said that the strategic defence review is in the hands of the Treasury; of course it is, even though we are told that the consultation is still going on. He was also right to draw attention to the Army cadets. We shall welcome his support in the Lobby.

The hon. Members for Monmouth (Mr. Edwards), for Lancaster and Wyre (Mr. Dawson) and for Dunfermline, West (Ms Squire) made sincere speeches, but my hon. Friend the Member for Canterbury (Mr. Brazier) made an exceptional speech, as one would expect from an hon. Member who has been unstinting in his support for the TA and is recognised for the depth of his knowledge on the subject. His speech was cogent, succinct and pithy.

My hon. Friend the Member for Banbury (Mr. Baldry), who is honorary colonel of a TA regiment, was right to say that we cannot foresee the future and must remember the lessons of the past. He gave us an understanding of and an insight into the history and traditions of military activity, which are a feature in families with members of the TA, often generation after generation.

My hon. Friend the Member for Mid-Norfolk (Mr. Simpson) made the crucial point that the foreign policy baselines remain secret. I shall return to that. He also said that the Territorial Army must not be frozen in aspic. None of us wishes to see that.

Ministers seemed to say that they do not listen carefully to their advisers. I know that a senior regular infantry officer offered advice and said, "I believe that there is logic in discussing the increased use of TA infantry in innovative ways." We have not heard much of that in the debate. The hon. Member for Stockton, South (Ms Taylor) graced the debate with wise words, and we look forward to hearing from her again soon on the subject.

It has been widely reported that last week, when the Foreign Secretary was in the eye of the storm over Sierra Leone, Defence Ministers were boasting that the Foreign and Commonwealth Office had 10 times as many parliamentary questions to answer about the affair as the Ministry of Defence. Rather than boasting, they should have asked themselves, "What is the cause of that?" One reason for fewer questions to Defence Ministers is that hon. Members know that it is not worth asking questions, because Ministers will not give answers. Apparently, they have few friends in the Cabinet. They are embarrassed, and they have much to be embarrassed about.

The big promise of a six-month defence review has been so seriously broken that Defence Ministers have a credibility problem. They should be embarrassed every time they repeat their mantra that the strategic defence review is the most open policy-making process and the widest consultation exercise that has ever been held by the Ministry of Defence. It is no such thing. They know that people rumbled them a long time ago. The strategic defence review was an extraordinary consultation exercise. One cannot consult unless one starts with some

[Mr. Robert Key]

givens. We have not been given any foreign policy guidelines. A couple of speeches skating round the Foreign Secretary's pantomime on ice are about as credible as a Foreign Office Minister's policy on Sierra Leone.

We were not given any guidelines on the amount in the kitty for defence. The review has spawned a small industry among academics and journalists, who have been delighted to oblige with a period of free thinking and a once-in-a-lifetime opportunity to get their dreams and prejudices off their chests and on to the desks of Ministry of Defence officials and, with luck, on to the desks and perhaps into the red boxes of a Defence Minister or two. The strategic defence review that matters is the one that is carried out within the Ministry of Defence itself, and that has been entirely different.

As usual, all three services responded magnificently to the challenge and completed their input on schedule. As usual, the internal strategic defence review that was completed by the military and the Ministry of Defence has been clinical and merciless. Unlike the rest of us, they knew the baselines and the arithmetic. They considered every option that they were asked to consider. They were told, "Rule out any increase in the TA budget or in TA strength, but consider all other options from a baseline of about 20,000 and float upwards to an irreducible minimum, viable figure of about 40,000." The professionals have had their say, and now it is a political issue for Ministers to handle.

The Government's proposals for the TA are being subjected to scrutiny by hon. Members who face the reality of ministerial dreams. In recent weeks, an increasingly bad-tempered Minister for the Armed Forces has criticised the TA for unfairly arguing for its existence. That is unfair, because the process was started by Ministers. This afternoon, the Minister for the Armed Forces described this debate as a cheap publicity stunt. It is far from that.

The Minister for the Armed Forces (Dr. John Reid): I did not say that.

Mr. Key: The Minister will see it in *Hansard* in the morning.

Dr. Reid: I did not refer to this debate as a cheap publicity stunt. I shall stand corrected if I did. *[Interruption.]* I shall check it in *Hansard*, and if the hon. Gentleman is wrong, I take it that he will apologise.

Mr. Key: Of course. Similarly, I hope that, if the Minister is wrong, he will apologise to the House. He will find that I was absolutely right.

Much has been said about the importance of the territorials' footprint. Dots on a map of the UK representing military presence are getting fewer every year. Largely because of the Northern Ireland situation, there are fewer uniforms on our streets. That is likely to be the case for many years, however much we all hope that the Northern Ireland settlement will hold after Friday's referendum. When I was a child in Salisbury in the 1950s, it was very much a garrison town. Military uniforms were the norm, not the exception. These days, service men and women are more likely to go to work in civvies and, if they wear uniforms, they will be under a mac. Less than 2 per cent. of the adult male population has any direct contact with the military.

I note the total absence tonight of the Scottish National party, yet again. As usual in defence debates, it is absent.

Mr. Andrew Welsh (Angus): Will the hon. Gentleman give way?

Mr. Key: Oh. One has turned up. I certainly will not give way. The hon. Gentleman has the gall to turn up at the last minute and to expect me to give way when he has not been here.

Mr. Welsh *rose—*

Mr. Key: Well, as I am such a nice chap, I give way.

Mr. Welsh: I have not just arrived; I have been listening to the hon. Gentleman's speech. He got it wrong with me. I hope that he has not similarly got it wrong with the Minister for the Armed Forces. He should get his facts correct.

Mr. Key: Is that the sum total of the hon. Gentleman's contribution on behalf of the Scottish National party? He has been watching the television set in his room, instead of participating in the debate.

Hon. Members on both sides of the House paid tribute to the role of cadets. The cadet force is a vital and vibrant part of our community. I was in the cadet force a very long time ago. I rose to the dizzy heights of company sergeant major in the Combined Cadet Force. For many people, it was, of course, drudgery, but for most of us it was a challenge that we enjoyed.

Almost 40 per cent. of young men in my year at school went into the services. Many of them have had distinguished military careers. Commanders of nuclear submarines and the commander of the Desert Rats in the Gulf war, Paddy Cordingley, were among my friends who joined the CCF with me. Fifty-six per cent. of warrant officers and regimental sergeant majors started as cadets.

Often, cadets eke out their existence under the shadow of a TA unit. They use its buildings and equipment. They learn skills from TA professionals. We must be sure that those cadets continue.

There are many ways in which one could define viability for the TA. I must mention the whole question of a proper promotion structure within the TA. If the TA shrinks, so do promotion opportunities. We should also not forget that the regulars and the TA have a long history of rivalry. That rivalry is, I am sure, reducing: I think that we have seen in Bosnia that the old rivalries are no longer treated in the way they were. The rivalries were not always a happy thing to see.

When the Conservative Government reduced overall force levels, it was a clear and logical response to the end of the cold war. The figures were replicated throughout NATO, and the Ministry of Defence operated in its usual clinical and merciless style. The territorials were reduced as much as anyone else. They understood that. For the past three years, their position has stabilised, and we have solid, sensible and successful TA units.

The Secretary of State asked whether we would agree with him tonight. The whole point is that there is not enough yet to agree with. The strongest message that we have received from him is that the combat role of the TA as formed units is over. If that is true, it is against much of the advice that he has received from his Regular Army professionals. No wonder the Labour party will not be voting for our motion.

I urge my right hon. and hon. Friends to illustrate their support for the future of the Territorial Army and to express their confidence in that priceless national asset by voting for our motion. Let us give the Government the opportunity to think afresh about the future of the Territorial Army.

9.48 pm

The Minister for the Armed Forces (Dr. John Reid): I think that we all expected a lively and well-informed debate, and, by and large, we have not been disappointed. I certainly have not been disappointed with the public intimation from the hon. Member for Salisbury (Mr. Key) that, as he is not receiving satisfactory answers, he will no longer table parliamentary questions. That was the best news that I heard tonight.

Like many hon. Members here, I have a Territorial Army and a cadets movement in my constituency, and I want to preserve, to fortify and to enhance the TA. I want to give it a future that is not just a monument to the past, but where it has a clear, recognisable, usable and relevant role. Indeed, it is more so than in the past.

I want first to refer to the speech of the Father of the House, the right hon.—indeed, tonight I would say right hon. and gallant—Member for Old Bexley and Sidcup (Sir E. Heath). He was originally a gunner, was a major by 1945 and, between 1947 and 1951, he was commander of 2nd Regiment of the Honourable Artillery Company. He speaks with seriousness, gravity and import in these affairs. I understand that he was mentioned in dispatches, so he has practical as well as theoretical knowledge.

The right hon. Gentleman said two things that were important. First, he said that we must be careful when viewing the world from our present position, because we cannot do everything. I wholly accept that. Indeed, one of the problems for those who ask why we spend money employing the forces is that it is not so much a question of what the armed forces do, as of explaining to a public, keen to see us play a role in the world, that the armed forces cannot do everything. There is a constant demand upon them. However, because we cannot do everything does not mean that we should not do what we can to discharge our responsibilities in the world, both as a citizen of the world in defending our rights and discharging our responsibilities, and as a member of the permanent five of the Security Council.

The point that the right hon. Gentleman made about the Territorial Army is that we do not want it to be a stopgap; we do not want it to be used merely to fill the gaps in the Regular Army. That accords with what the Government believe. If Opposition Members would stop for a minute and listen to what we are proposing, they would understand that we are proposing a radical enhancement of the Territorial Army.

The reality is that, over the past 50 years since the right hon. Gentleman served in the armed forces, the TA has been used in a voluntary capacity, either as individuals or as larger units, to fill gaps in the regular forces. We have been told tonight about the unpredictability of the world. Many hon. Members asked who could have foreseen the Falklands, the Gulf, Malaysia or Cyprus. What they did not point out was that no Territorial Army units were called up in the Falklands, the Gulf, Malaysia or Cyprus. In other words, for many years we have not been able to call up the Territorial Army, whatever the circumstances, unless it were for a major full-scale war with Russia. Does anyone genuinely believe that we are about to face a major full-scale war with Russia?

Mr. Keith Simpson: The legislation was changed.

Dr. Reid: The legislation was indeed changed, but thus far no Government have stated their intention to make the Territorial Army so usable, so relevant and so enhanced in its role in the British defence forces that the threshold would be lowered and the Territorial Army called up. That is our radical proposal for bringing the Territorial Army into the mainstream of our defence forces and enhancing its role in a way that has not been done in the past half century.

Mr. Rogers: I am sorry to be unhelpful to my hon. Friend—[HON. MEMBERS: "As ever."] No, not as ever. Surely the point of the Territorial Army and its relationship with the regular forces is that, when our regular forces have to be deployed abroad, the role of the territorials is upgraded and they act as our home forces.

Dr. Reid: I take my hon. Friend's point. The essential point that I am making tonight is that, in a strategic defence review, not only do we want to derive from our foreign policy a configuration that is relevant, but we want the units within that defence posture to be relevant. It so happens that our proposals on the Territorial Army are relevant.

I stand second to no one in my respect for the Territorial Army, and would never have called today's debate "a cheap publicity stunt". I told the hon. Member for Salisbury (Mr. Key) that, in 10 months, all we have had from the Opposition is three debates on the TA, because they think that cheap popularity is to be gained in having such debates. Will the hon. Gentleman now apologise, as he promised?

Mr. Key: Yes, of course—I unreservedly apologise. However, I hope that the Minister will get the message that, if he uses such words unwisely, it will do neither the TA nor his own position any credit.

Dr. Reid: Nothing is more demeaning than a grudging apology when someone is proved wrong.

I should like to deal with some of the points that have been made in this debate. As for cheap popularity, I realise that an argument can be made for taking the low road. An argument can be made for saying: "Fifteen thousand, 10,000 or 5,000 people will possibly be without a job. Regardless of the strategic merits, that is their Achilles heel, and we will run the popularity con." However, if we do not have the courage to configure our defence forces to meet today's threat and security needs—and to find the money to supply the defence medical

[Dr. Reid]

services, the second line of logistics and heavy lift—we shall be putting our soldiers lives at risk, which is something that the Government are not prepared to do.

Mr. Blunt: The real problem is that the Government are proposing to cut 16,000 people from the Territorial Army. In subsequent years, the problem will be magnified as the number of people in the United Kingdom without military experience increases. That is the strategic problem.

Dr. Reid: The hon. Gentleman was the special adviser to a Secretary of State who cut 35,000 regulars from the British Army. *[Interruption.]* Today, he has the audacity to come here—

Mr. Blunt: On a point of order, Mr. Deputy Speaker. The Minister has misled the House. Will you advise me on how he can put the matter right?

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. No hon. Gentleman would mislead the House.

Dr. Reid: I will not ask for another grudging withdrawal or apology. However, it seems that the Opposition, not me, are becoming irritable.

At great length, the hon. Member for Portsmouth, South (Mr. Hancock) told us that he does not know: what the outcome of the review will be; the configuration that we are suggesting; or the roles that, he complained, we are imagining. He was also not aware of the enhancements that we might want to make, and did not have a clue—because we did not outline it—about the footprint. He said that, on the basis of all that knowledge, he will steadfastly vote against our proposals at the end of this debate. His argument was not an entirely convincing one on which to build a case.

Mr. Brazier: Will the hon. Gentleman give way?

Dr. Reid: I have only three minutes left, and the hon. Gentleman has had his opportunity to speak.

We have made it plain that we want to enhance the role of the Territorial Army. We want to make it more relevant, more usable, more modern and more integrated.

Mr. Geoffrey Clifton-Brown (Cotswold): And smaller.

Dr. Reid: We want to raise the Territorial Army's profile and importance—*[Interruption.]*

Mr. Deputy Speaker: Order. The hon. Member for Cotswold (Mr. Clifton-Brown) will not shout like that in the Chamber.

Dr. Reid: We shall ensure that those adjectives describe the modern Territorial Army. We shall make it more relevant by reducing its outdated home defence role and focusing on a role comprising skilled trades. We shall make it more usable by lowering the call-out threshold, and by ensuring that, for the first time in half a century, we can call the Territorial Army into action when we need it. We shall make it more integrated by making it one combined force of regulars and territorials, rather than separating them. We shall make the TA relevant, usable, integrated and modern. The entire purpose of the strategic defence review has been to produce modern forces for a modern world.

Mr. Clifton-Brown: Will the hon. Gentleman give way?

Dr. Reid: The Opposition are seething because, year after year, the Treasury led them by the nose. Cuts were proclaimed in advance. The previous Government cut personnel by 32 per cent. and finance by 30 per cent., and they reduced the Territorial Army by 31,000 members, but they still ended up with a force configuration that did not meet the security needs of the day. This Government will not take that road. Our Army, Air Force and Navy, regular and reserves, will be combined in an integrated framework that is coherent beyond any of their expectations.

Mr. James Arbuthnot (North-East Hampshire) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House divided: Ayes 154, Noes 286.

Division No. 278] **[10 pm**

AYES

Allan, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Ashdown, Rt Hon Paddy
Atkinson, Peter *(Hexham)*
Baldry, Tony
Ballard, Mrs Jackie
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brake, Tom
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Bruce, Ian *(S Dorset)*
Bruce, Malcolm *(Gordon)*
Burns, Simon
Burstow, Paul
Butterfill, John
Campbell, Menzies *(NE Fife)*
Cash, William
Chidgey, David
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Colter, Brian
Cran, James
Curry, Rt Hon David
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Gale, Roger
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gorrie, Donald
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hancock, Mike
Hawkins, Nick
Hayes, John
Heald, Oliver
Heath, Rt Hon Sir Edward
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John

Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Ieuan Wyn *(Ynys Môn)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maples, John
Mates, Michael
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moss, Malcolm
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Salmond, Alex
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid–Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Tonge, Dr Jenny
Tredinnick, David
Tyler, Paul
Tyrie, Andrew
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Welsh, Andrew
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Peter Ainsworth and Mr. John M. Taylor.

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Benton, Joe
Berry, Roger
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, Stephen
Cabom, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Cann, Jamie
Caplin, Ivor
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Church, Ms Judith
Clapham, Michael
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Dismore, Andrew
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Fatchett, Derek
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Healey, John
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Humble, Mrs Joan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Lawrence, Ms Jackie
Lepper, David
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McKenna, Mrs Rosemary
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Osborne, Ms Sandra
Pearson, Ian
Perham, Ms Linda

Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prescott, Rt Hon John
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Co'try NW)*
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Roy, Frank
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Snape, Peter
Soley, Clive
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Ward, Ms Claire
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Kevin Hughes and
Mr. Jim Dowd.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments) and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House supports the Government in its determination to ensure that the United Kingdom has armed forces that are modern, capable, relevant and structured for the new post Cold War strategic realities; considers that the Territorial Army, like the rest of the armed forces, should continue to adapt to these realities; welcomes the valuable role played by the Territorial Army in the wider life of the nation; and is confident that the outcome of the Strategic Defence Review will be capable, relevant and even more usable reserve forces to help support Britain's foreign and security policies.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Mr. Michael J. Martin): With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

– BANKS AND BANKING

That the draft Cash Ratio Deposits (Value Bands and Ratios) Order 1998, which was laid before this House on 27th April, be approved.

That the draft Bank of England (Information Powers) Order 1998, which was laid before this House on 27th April, be approved.— *[Mr. Clelland.]*

Question agreed to.

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Thursday 21st May, Standing Order No. 16 (Proceedings under an Act or on European Community documents) shall not apply to the Motion in the name of the Prime Minister relating to the Common Agricultural Policy and the Speaker shall put the Questions necessary to dispose of proceedings on that Motion not later than 3 hours after their commencement.— *[Mr. Clelland.]*

PETITION

National Health Service (East Kent)

10.14 pm

Mr. Julian Brazier (Canterbury): I wish to present a petition, bearing 54,000 signatures, on behalf of people in east Kent who are against the proposed rundown of the Kent and Canterbury hospital. As it is so voluminous, I have brought just a small part of it into the Chamber. I understand that a further 140,000 signatures have been delivered to the offices of East Kent health authority.

The petition states:

The petition of the people of East Kent declares that the proposed substantial reduction of NHS services in East Kent conflicts with Government policy.

The petitioners therefore request that the House of Commons urges the Secretary of State for Health to:

(i) reject the proposed downgrading of Kent and Canterbury Hospital and the relocation of specialist services outside of East Kent, and

(ii) support general practitioners and consultants wanting to retain acute services in Thanet, Canterbury and Ashford.

And your Petitioners, as in duty bound, will ever pray.

To lie upon the Table.

Nursery Education

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Clelland.]*

10.15 pm

Sir Michael Spicer (West Worcestershire): This is a problem largely of the Government's own making. It threatens the very existence of nursery education in this country, and it is causing growing consternation and alarm in Worcestershire.

The voucher system was far from perfect, but its introduction was a firm step in the right direction towards parental choice, and it provided an opportunity for radical improvement in the education of very young children. The scheme's abolition for politically motivated and doctrinaire reasons has been disastrous. Local education authorities have taken full control of both provision and regulation of nursery education, and have used their new powers to devastating effect.

In Worcestershire, they have virtually obliterated nursery education for four-year-olds, and much the same can be said of the rest of the country. If the effect were an improvement in the early life of young children, that would be the end of the matter, but the plain fact is that it has been a massively retrograde step.

First, and probably least important, there is a budgetary question. Each year, £1,100 is made available for each child under five. By working 52 weeks a year, and employing nursery-trained teachers, rather than mainstream teachers, nursery schools are able to accommodate that subsidy in their budgets, but the same is not true of mainstream schools. Assuming a teacher-pupil ratio of 15:1—which is twice as high as the permissible ratio in nursery schools—the funding will not cover a teacher, let alone a teacher and an assistant.

Extra funds must therefore be provided by deflecting moneys from the budget allocated for teaching over-fives. Head teachers, especially in counties such as Worcestershire, argue that budgets are already overstretched. Money, however, is not the main issue. Much more important, most of the children whom local authorities are forcing out of nursery schools and into mainstream schools at the age of four are receiving a much lower standard of education.

The schools are not subject to the Children Act 1989, and therefore have no statutory limit on pupil-teacher ratios. Nurseries are compelled to maintain a ratio of 8:1, but schools can apply whatever ratio they think fit. Typically, that results in ratios of between 15 and 20:1. What is more, teachers in schools, although they are much more expensive than nursery teachers, are often not much better qualified to teach really young children. Certainly that is true of the often totally unqualified assistants who work with them.

What is more, as a recent Channel 4 programme vividly illustrated, the structure and environment of the school is often totally inappropriate to tiny children. A body of evidence is even emerging, especially from Scandinavia and Switzerland, that the semi-formality of the teaching of four-year-olds in schools is a severe impediment to their further development.

One does not have to accept entirely the pre-eminence of the theory of learning through play to have a feeling for the force of the argument that children in large establishments can be educationally force-fed prematurely, to their permanent damage. There is a special requirement with the very young to treat the needs of each child individually, which is so much easier in small nursery groups.

The whole problem is compounded by the fact that the regulation of nursery and early education is controlled by local education authorities which, because of present demographic factors resulting in falling rolls, are struggling to attract more children to their schools and thus help their argument for further funding by the taxpayer.

Put bluntly, since this Government took over the schools, the LEAs have been forcing parents to send their four-year-olds to schools. Frankly, it is a scandal. Under the voucher scheme, it has to be said that parents were increasingly persuaded to send their four-year-olds to schools for fear of losing a place for them later, but at least under that scheme they had a choice. Now, they do not have any choice at all. The idea that, in those circumstances, there can be a genuine partnership between nursery schools and LEAs, as the Government seem to pretend, is at best disingenuous and at worst a deception.

In their recently published consultation paper on the regulation of nursery education, the Government are showing some signs of awareness of the problem and the anomalies, which is at least a start. The question is, what is to be done? It seems to me—this is the purpose of raising the matter tonight—that, first, a uniform system of regulation for all nursery education is needed, whether it is provided through the schools, nurseries or play schemes.

It is illogical, to say the least, for the conditions of the Children Act 1989, for instance with respect to teacher ratios, to be applied to nursery schools and not to nursery education within mainstream schools. Also, it is wrong that mainstream schools should be exempt from having to employ properly trained nursery teachers. It is also unacceptable that there should be unspecified cross-subsidisation of nursery teaching within schools from budgets allocated for the teaching of children over five years old.

It is essential that common standards should be regulated independently. At present, social services act as the LEA's agent in most authorities in much of the regulatory process. That role should be handed over in its entirety to an independent regulatory organisation, such as the Office for Standards in Education.

Above all else, what is required is that the Government should throw away their electoral rhetoric and political dogma, and recognise that, if parental choice, which is the only real alternative to control by the LEA, is to be reintroduced, some form of voucher system will have to re-emerge. If that forces the Government to swallow too much pride, perhaps vouchers will have to be given some other name. The Government have not been slow in other areas to rebrand Conservative policies.

The future of little children is what matters. Conservative Members must acknowledge that the voucher scheme had its flaws. Because of loopholes in the Children Act 1989, LEAs could, using often unfair and inaccurate prospectuses, seduce parents to send their four-year-old children to mainstream schools. Parental choice must be reinstated, and nursery schools put on a par with mainstream schools. The Act must be amended so that mainstream schools are compelled to comply with

[Sir Michael Spicer]

the same regulations that apply to nursery schools—the two must be put on an equal footing. LEAs should also be told that they will not receive extra funding if they deflect into nursery education moneys that have been allocated to mainstream teaching.

The Government should start to think of children first and ideology second—the interests of the two are, in this case, antithetical. The Government should be big enough to admit that, in abolishing the voucher system, they made a mistake. They should introduce an even better voucher scheme than the one that we Conservatives left behind.

10.25 pm

The Parliamentary Under-Secretary of State for Education and Employment (Ms Estelle Morris): I congratulate the hon. Member for West Worcestershire (Sir M. Spicer) on raising this important issue. I had thought that the House had reached unanimity in our consideration of early years education. Children, not political point scoring, should be at the centre of the debate. I regret the fact that, in some of his remarks, he reverted to political point scoring, and failed to deal with the debate in which, over the past 12 months, I have been very happy to take part.

Sir Michael Spicer: Will the hon. Lady give way?

Ms Morris: No. I want to make progress, although I may have time to give way later.

Let us consider a few facts. I accept that Worcester changed its admission arrangements in September 1997 to admit younger children. The notion that it decided to do so on 2 May after the election of a Labour Government is surely misplaced. The admission arrangements were changed as a direct result of the Conservative Government's nursery voucher scheme, which had an in-built incentive for local authorities to take young children into schools.

The money to fund the voucher scheme—bureaucracy and all—had come from local authorities in the first place. On the whole, it had come from local authorities that had done well by young children in providing early years education. To ensure that that money returned to the maintained sector, they had to compete for kids—money followed four-year-olds. I fail to see why Conservatives Members are surprised that the organisations that wanted to provide early education competed in the market that the Conservative Government created.

We inherited a situation in which, because of the nursery voucher system, local authorities throughout the country were changing admission dates, so that they could take younger and younger children into sometimes inappropriate placings. We cannot be held responsible for that; we can be held responsible only for what we have done in the 12 months since the general election.

Sir Michael Spicer: The hon. Lady said that I had been making political points, but the Labour party made massive political points about the voucher scheme during the general election—they conducted a major campaign on it. I accept that the scheme was flawed, as I have said, but at least it allowed for parental choice. Because LEAs now control the system, parents are compelled to send their children to LEA schools. That is the fundamental difference, as I hope the Government understand.

Ms Morris: If that was the case, I would share the hon. Gentleman's concerns. All our actions show that I have not spent the past 12 months trying to squeeze out good private or voluntary sector providers.

Among the things that we have done with the money saved by the abolition of the nursery voucher scheme is to help to meet the costs of seven early excellence centres that we have opened—many in partnership with the voluntary sector. Playgroups contribute to those centres. We have been able to use money that was tied up in bureaucracy to develop EECs. No hon. Member in any part of the House has argued that early excellence centres, which are beacons of excellence in early years education and which show the way in integrating child care, early years education, working with families, the family literacy scheme and support for families, are not a good way forward.

Early years development partnerships have replaced nursery voucher schemes. The new Worcestershire unitary authority has produced an excellent scheme, and the chair of the Worcestershire early years development partnership, Professor Christine Pascal, is one of the best known people in the field of early years education. I assure the hon. Member for West Worcestershire that every provider that received money from the public purse for educating four-year-olds under the nursery voucher scheme has had the opportunity to be part of an early years development partnership, and that many—if not all—have taken that opportunity.

Mr. John Hayes (South Holland and The Deepings): Will the Minister give way?

Ms Morris: Not yet; I shall finish this point.

In every instance where a member of the private or voluntary sector has not transferred from being a provider under the voucher scheme to being a provider under the partnership scheme, my Department has specifically gone to them and found out why they have withdrawn. Some have withdrawn because they do not want to aim at the desirable learning outcomes; some have not wanted to participate because they did not especially enjoy the experience under early years vouchers; but no provider has told my Department, "We are not part of the partnership scheme, because we have not been made welcome."

We have a choice. Do we want a system that brings those providers together on the basis of market economics, in which they will compete with one another and drive one another out of the market, as happened under the voucher scheme, or do we want to bring those providers together in partnership, in the interests of children and parents? We have tried to do the latter.

However, the key point, from the viewpoint of the hon. Member for West Worcestershire, is that the choice that existed under the voucher scheme—the same providers, from all sectors, as well as new providers from the voluntary and private sectors—is still available in partnerships. It is necessary to co-ordinate those partnerships; the administration and co-ordination are done by a local authority.

However, in the hon. Gentleman's local authority, Worcestershire, the partnership is not chaired by the chair of the education committee or by a local authority official, but by a woman whose standing in early years education is unparalleled in the country. Her standing is widely respected, and I defy the hon. Gentleman to find anyone who knows about early years education and lives in his constituency who does not accept that the leadership of his local partnership is in good hands, and is committed to making the partnership cohesive.

Mr. Hayes: The Minister speaks with her usual clarity and honesty, but, as private sector playgroups are closing by the day and by the week, will she give us some feel for the numbers that have closed since she came to office? If partnerships are so important, why did Labour local education authorities, of one of which I was a member for many years, fare so badly at providing such partnerships, when their discretionary powers gave them a perfect opportunity and right to do so?

Ms Morris: Far too many playgroups are closing, but the hon. Gentleman should not pretend that that did not happen until 2 May 1997. Playgroups closed last year because of the nursery voucher system. The hon. Gentleman should read the material sent out by the Pre-School Learning Alliance. It does not pretend that the closure of playgroups did not hit the nation until the past 12 months. The divisive, competitive nursery voucher system began the closure of playgroups.

The hon. Gentleman should remember that the provision that started in September 1997 was planned before the general election, and that anything that happened in the year starting in 1997 in terms of kids in settings was planned well before the general election. I cannot see how hon. Gentlemen can fail to draw the conclusion that that was a direct result of the system that the Conservatives had in place.

I am not happy that playgroups are still closing; neither is my right hon. Friend the Secretary of State. That is why, only last week in a speech to the Pre-School Learning Alliance, he announced that a further £500,000 would be provided to stop good intermediate stage playgroups closing. We need those playgroups for the expansion in three-year-old education that we want, and for the work we want to do to extend child care and wrap-around provision. To prevent their being squeezed out of the market, we will be talking to partnerships and the PLA to see how best to ensure that they are not.

I will now try to reassure the hon. Member for West Worcestershire in several respects. He is right, for instance, about the mess of regulations. What is fair for one should be fair for another: they are the same kids, no matter whether they are in the private, the voluntary or the maintained sector. The system has grown up over the years in patchwork fashion, and nobody has ever taken it by the scruff of the neck to see what could be made of it.

We deserve some credit for having published, some months ago, a discussion document that honestly faced up to the difficult issues to do with regulating child care and early years education. The two are not the same: the hours are different, the expectations of parents are different, the training of the professionals is different. What might be suitable in terms of teacher/pupil ratios for two-year-olds might not be for a four-year-old.

To be generous to our predecessors, I suspect that they did not tackle this area because it is so complex. We, however, have done it. We have asked the right questions; and I will take the hon. Gentleman's comments this evening, if he so agrees, as a response to the consultation that we have launched. I shall ensure that they are incorporated in the relevant document. The hon. Gentleman was also right to question the wisdom of four-year-olds learning in classes of 30, given that, in another setting, they might be in smaller groups.

I congratulate the partnership in Worcestershire on taking steps to ensure that the ratio in its reception classes will be 1:15. We have not made Worcestershire do that: it is ahead of the game. I also congratulate the county on the partnership's innovative idea of creating a central pool of supply staff, so that teachers from all sectors—private, maintained and voluntary—can undertake training. Those are the actions of a group of people, led by a good chair, who are committed to making partnership work.

As for inspection, qualifications, initial teacher training for working with three, four, five, six, seven and eight-year-olds, and the curriculum—they all need examining. I will say, however, that in all those areas we have taken action. We are reviewing the qualifications with a view to making them more coherent. We are reviewing desirable learning outcomes. We are reviewing the inspection framework. We want to bring together the inspection of child care and of early years education.

I also take seriously the hon. Gentleman's point about the necessity for child protection of the utmost rigour. I shall make that point forcefully in the consultation process, in the cause of enhancing rigorous child care and early years education inspection.

Sir Michael Spicer: The review is good news, and I am glad that the hon. Lady has listened to the arguments and responded accordingly. However, since there was a change in regime, education for four-year-olds in nursery schools has been obliterated in Worcestershire and, as I understand it, virtually throughout the country.

My hon. Friend the Member for South Holland and The Deepings (Mr. Hayes) raised the serious matter of playgroups closing, but the situation is worse than that: for four-year-olds, nursery school education has ceased to exist. The fear is that, with all the problems, which the Minister has shown she understands, nursery school education will be wiped out entirely, even for three-year-olds. That is the real worry. If the Minister has grasped that point tonight—she may have grasped it before—that will be a tremendous achievement.

Ms Morris: May I reassure the hon. Gentleman that I do not envisage three-year-olds in reception classes? That does not go on, as far as I know, and if it came to my attention that it was happening, it would be a matter of great concern.

We have taken action this year to provide places for four-year-olds. Now we want targets to be set so that we can provide places for three-year-olds. In the provision for three-year-olds, where reception classes cannot cater for kids, we will need the wealth of experience that exists in the maintained sector. There is good maintained nursery provision for three and four-year-olds. Not all

[Ms Morris]

kids walking through a school gate are going into a reception class at three and four. Some are going into a properly staffed, good-quality, rigorous nursery. We should not do down the maintained sector.

Because we realise that we will need the strengths of all the sectors to extend provision for three-year-olds, we have secured partnerships. That is why we provided the £500,000 of hang-on money last week to keep the playgroups going.

I imagine that the hon. Member for West Worcestershire and I will never agree on the reasons why, in September 1997, more four-year-olds went into reception classes than previously. I defy him to find any local authority that changed its admission age in the last two months of the summer term. Time would have been needed, to notify staff, to offer places, to take appeals and to allow parents to buy uniforms for their children and meet the infant class teacher. That does not happen in a six-week half-term.

Where the decision was made, as in Worcestershire, to change the starting point to four-year-olds rather than five-year-olds, it was made before 1 May last year. That is the legacy we inherited, and the turn-around that we have tried to achieve. We have not managed to do it within one year, but we have managed to give a clear signal to those in the field, but most of all to parents, that we are deadly serious about top-quality education for children.

That is the best start that we can give a youngster. Children are entitled to a proper setting, a curriculum that is appropriate to their needs, and staff who are properly trained to give them a good start. Families have a right to expect that their children will be in well regulated places, where high standards are maintained, and where the regime of child care and early years education meets the changing social and economic patterns.

I am sorry that we finish this Adjournment debate without agreement on the essential issues that caused the hon. Gentleman to call for it. When I knew that I would be responding this evening, I took the opportunity to look again at the Worcestershire plan. I know that, over the next year, the hon. Gentleman will have contact with the early years development partnership and with Christine Pascal. I hope that he will find that the seeds of partnership that have been sown will grow, in the interests of children and their parents. If they do not grow over the next 12 months, I would want to hear about it.

I assure the hon. Gentleman that we would take action to ensure that what we have done this year to lay the foundations can be built on year after year, until we achieve our eventual objective of a good quality nursery place for three and four-year-old children whose parents want it, as a start to the children's school life.

Question put and agreed to.

Adjourned accordingly at seventeen minutes to Eleven o'clock.

House of Commons

Tuesday 19 May 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

SCOTLAND

The Secretary of State was asked—

Investment

1. **Mr. Crispin Blunt** (Reigate): When he next expects to meet representatives of Scotland's financial services industry to discuss investment. [41250]

7. **Mr. Andrew Lansley** (South Cambridgeshire): When he last met the CBI in Scotland to discuss prospects for investment in Scotland. [41256]

The Minister for Education and Industry, Scottish Office (Mr. Brian Wilson): My right hon. Friend the Secretary of State and I maintain regular contact with Scotland's financial services industry on a whole range of matters. He last met the Confederation of British Industry in Scotland on 30 January when several issues were discussed, including the favourable climate for investment in Scotland.

Mr. Blunt: Is the Minister aware of weekend press reports showing that Edinburgh is slipping down the league table of European financial centres? Does he agree with the chief executive of Scottish Widows that that will be accelerated if the Government keep giving in to nationalist demands?

Mr. Wilson: I do not accept either of the premises of the hon. Gentleman's question. The financial services industry in Edinburgh, and the rest of Scotland, is in very good health, and employment has increased since the downturn of 1994. No doubt that will continue. I also have no doubt that a constitutional settlement for the United Kingdom is no threat to the financial services industry. The Scottish financial industry does a high proportion of its business in other parts of the UK, and it has no wish to see those places turned into a foreign country.

Mr. Lansley: Has the Minister seen the Scottish chambers of commerce report for the first quarter of 1998, which shows a reduction in investment intentions among manufacturers in Scotland? Does he understand that the Government's high pound policy, combined with their intention to allow taxes and costs on business to rise, is causing manufacturing investment—the wealth-creating sector of the Scottish economy—to decline?

Mr. Wilson: Again, the hon. Gentleman has been badly briefed. There is no intention of allowing taxes on business to rise. The chambers of commerce survey shows the rate of growth in Scotland over the past year at its highest level since—again—1994.

Mr. John Home Robertson (East Lothian): As my hon. Friend knows, 510 jobs are being lost in my constituency following Mitsubishi's decision to close its colour television factory at Haddington—*[Interruption.]* I wish that Conservative Members would take issues like this seriously; it is a very serious matter for my constituents.

Following my hon. Friend's visit to Haddington on 6 April—the day of the announcement—can he report on the progress made by the task force in creating new jobs for people in Haddington and in finding new enterprises for the factory that has been closed?

Mr. Wilson: Mitsubishi's decision was regrettable, but the company had provided employment in Haddington for more than 20 years. The circumstances that led to the announcement related not to the Scottish economy, but to a restructuring of Mitsubishi, which is taking place in several other countries as well as Scotland. We have adopted a task force approach, and that has worked reasonably well so far. According to the latest figures, 35 per cent. of the work force have already found other employment.

My hon. Friend the Member for East Lothian (Mr. Home Robertson) attended a successful jobs fair at the weekend, and a further 50 jobs are in the pipeline as a result of it. We continue to work on finding an alternative use for the Mitsubishi factory. All that has happened in advance of closure, and it is a proper response by the Government and our partners. The situation in Haddington is unfortunate, but my hon. Friend is contributing to a solution.

Mrs. Maria Fyfe (Glasgow, Maryhill): May I draw my hon. Friend's attention to something that has had remarkably little notice in the Scottish media—the funding package for the Forth and Clyde canal? Various bodies had put together a substantial amount, but the project was in danger of collapse until my right hon. Friend the Secretary of State and his colleagues intervened to ensure funding that will bring jobs to my area and along the length of the canal.

Mr. Wilson: I am delighted that my hon. Friend has taken the opportunity to draw attention to an important funding decision—one of several that have been taken in recent weeks, which will have long-term beneficial effects on the Scottish economy. I pay particular tribute to my right hon. Friend the Secretary of State, who played a crucial role in ensuring that outcome, when other sources of funding did not prove as successful as we had hoped. We did the right thing by the project and by the Scottish economy. All that will be good news in the future for jobs and the economic dynamism that will flow from the canal project.

Mr. James Wallace (Orkney and Shetland): Given the importance to the Scottish economy of exporting,

and especially exporting to Europe, is the Minister aware that some Scottish companies must reduce their prices by 20 to 25 per cent. in overseas markets to remain competitive? How does he see profit being generated to fund future investment in Scotland, including important investment in training and in research and development?

Mr. Wilson: I am aware of the difficulties that some exporters are facing, and I am aware of the excellent efforts of Scottish exporters to deal with that problem. They are finding it necessary to trim their costs and to compete even more effectively. Despite that, Scottish export records are extremely good and we are continuing to encourage new exporters. The Scottish export campaign that I launched recently aims at getting 500 more companies exporting by the turn of the decade. I have no doubt that we can do that. We must diversify, encourage existing exporters and help far more Scottish companies to overcome the psychological barriers that dissuade them from becoming exporters.

Mr. John McAllion (Dundee, East): Scotland has ambitions to be a world-class competitor in targeted industrial sectors. At the same time, Locate in Scotland has targeted certain industrial sectors for foreign direct investment. What assurance can my hon. Friend give me that those are not the same sectors, and that taxpayers are not being asked to pay out money to attract foreign investment into our country, at the expense of crowding out indigenous companies that we are trying to make into world-class competitors?

Mr. Wilson: I have repeatedly invited examples of indigenous companies being crowded out by the allocation of money and support—on exactly the same terms, incidentally—to inward investors. I want more Scottish companies to grow and invest, as well as a healthy inward investment sector. We owe the wonderful success of winning the Cadence and Project Alba for Scotland to the fact that we already have a strong electronics base in Scotland.

All the pieces fit together. The occasional setback to inward investment should be viewed in a mature way. It is not a disaster, and no one should dance on the grave of inward investment because of the occasional setback. Of course there will be setbacks. We are not immune from what is happening elsewhere in the world, but, overwhelmingly, inward investment is a magnificent success story for the Scottish economy. Hundreds of thousands of Scottish families depend on inward investment for their livelihoods and prosperity.

Mr. Bernard Jenkin (North Essex): What assurances did the Government give the Scottish financial services sector about the consequences of devolution? Have not the sector's fears been vindicated by the fact that the Scottish National party has overtaken the Labour party in the opinion polls? Now that both of the Government's former referendum partners are actively campaigning for a referendum on the full independence of Scotland, what assurances can the Minister give the financial services sector?

Mr. Wilson: It would be an extremely odd financial services company in the shrewd business community of Edinburgh that formulated its policies and actions on the basis of an opinion poll. Perhaps the Tories think that that is how financial services companies conduct their affairs, but I doubt very much whether it is.

The assurance that the financial services sector was given, like everyone else in Scotland, was that there would be no differential business taxes within the United Kingdom. That is exactly what it wanted to hear. As I have said already, if the financial services sector in Scotland, which has the vast majority of its business in England, faced a differential tax regime, of course it would take flight. However, it will not face that, because it is within the United Kingdom and that is where it will remain.

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): Given that some Scottish financial institutions have already located part of their operations in Dublin, does the Minister agree that that is partly because the Irish Parliament has passed some 40 pieces of pro-business legislation over recent years? Does he agree that it would be a good thing if the Scottish Parliament had similar powers?

Mr. Wilson: I imagine that some companies also have business in Ireland, so it is natural that they would locate some of their operations there. I can only point to what the Government have done in terms of corporation tax. The financial services industry is very happy with the Government's performance. The hon. Gentleman conspicuously fails to address the fact that the majority of business for the Scottish financial services industry is in England. I do not think—and I imagine that the hon. Gentleman agrees—that they would want to see the rest of the United Kingdom become a foreign country, as he proposes.

Hospital Waiting Lists

3. **Mr. Charles Kennedy** (Ross, Skye and Inverness, West): If he will make a statement on hospital waiting lists in the Highland health board area. [41252]

The Parliamentary Under-Secretary of State for Scotland (Mr. Sam Galbraith): Highland health board's waiting list at 31 March 1998 was 3,616. More than 80 per cent. of people on the list in Highland are seen within three months.

Mr. Kennedy: I thank the Minister for that reply and acknowledge the welcome progress that has been made in most areas both in meeting the agreed patient targets that were set between the Scottish Office and the health board and in reducing waiting times. Nevertheless, I draw the Minister's attention to two areas that are causing concern: the waiting time for gynaecology appointments and for orthopaedic out-patient appointments. In both cases, the numbers are falling significantly short of the agreed targets. The Minister has been very helpful regarding the issue of surgical services on Skye and their future provision. Given that the health board is meeting to discuss that matter today, will he—like me—urge it to bear in mind those more disappointing statistics when it comes to deciding on the correct nature and level of future provision for Skye?

Mr. Galbraith: As the hon. Gentleman knows, I was a surgeon at the hospital on Skye and I had a most

splendid time on the island. *[Interruption]* Thank you very much indeed. The Highland health board is trying to integrate the service in Inverness with that in Skye and to open up the service and expand the range of facilities on Skye. I heartily recommend that, as it will have the added benefit of reducing waiting lists and waiting times in the area. We have allocated £44.5 million to tackling the problems that the hon. Gentleman has highlighted. He has my assurance that waiting lists and waiting times will come down in the very near future.

Mr. Malcolm Savidge (Aberdeen, North): Regarding hospital waiting lists, will the Minister make a statement about how Government policy is affecting hospital provision in the north of Scotland?

Mr. Galbraith: That question is very wide and I think that Madam Speaker would be upset if I took too much time to answer it.

Madam Speaker: I certainly would.

Mr. Galbraith: I shall highlight only one area. Aberdeen is to have a new children's hospital. That has come about because Government policy has led to co-operation between the trusts. If it were not for a Labour Government, that hospital would never have been built.

Mr. Michael Ancram (Devizes): Given the Government's failure to meet the targets referred to by the hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy), who raised this question, given Labour's pledge at the general election that they would cut NHS waiting lists not in the longer term but as a first step, and given that waiting lists in Scotland have increased by 5,000 overall, rather than being disappointed—as he expressed himself to be—is the Minister now ashamed?

Mr. Galbraith: I do not think that I need to take any lessons about waiting lists or waiting times from the right hon. Gentleman. Under his Government, waiting lists rose month by month and year by year. We shall reverse that trend. In Scotland, we have allocated £44.5 million to tackling that problem. The right hon. Gentleman should be a bit careful about what he says because, when waiting lists are lower than the level that we inherited from the previous Government, I will expect him to come to the Dispatch Box and congratulate us heartily.

Mr. Ancram: I do not want to give the Minister a lesson in what direction is up and what is down, but the current figures do not seem to match the pledge given at the election. Can the Minister tell the House why the pledge to cut hospital waiting lists was strangely absent from a recent consultative survey issued by the Labour party asking people how they thought that the Government were performing in relation to their pledges? As that has disappeared, does the hon. Gentleman not think that he should do the honourable thing and go, too?

Mr. Galbraith: I am a bit surprised by the right hon. Gentleman: I thought that he was a bigger politician and would not use such cheap jibes. We have put £44.5 million into waiting lists. We shall get them down until they are lower than the level that we inherited from the right hon. Gentleman's Government.

Manufacturing

4. **Mr. Desmond Swayne** (New Forest, West): If he will make a statement on the level of business confidence in the manufacturing sector in Scotland. [41253]

The Minister for Education and Industry, Scottish Office (Mr. Brian Wilson): I have frequent discussions with many manufacturing firms across Scotland. Underlying business confidence remains strong.

Mr. Swayne: Does the Minister agree that the problems experienced by Mitsubishi and by Lite-on reinforce the need for Scottish Enterprise and Locate in Scotland to retain their autonomy and not to be subject to empire building by the Department of Trade and Industry, which would run counter to the devolution policy for which we are both such enthusiasts?

Mr. Wilson: I am astonished to hear such sound common sense from the hon. Gentleman. It is important for Scottish Enterprise and Locate in Scotland to maintain their ability to work so effectively for Scotland. There will be setbacks with inward investment, just as there are setbacks with indigenous companies, but there is a lot more good news than bad, and that will continue.

Mr. David Marshall (Glasgow, Shettleston): Does the Minister agree that, under the previous Government, Locate in Scotland's record of attracting manufacturing jobs to the city of Glasgow was dreadful, probably directly as a result of the anti-Glasgow bias of Tory Ministers in the Scottish Office? Will he give an assurance that he will make every effort to attract manufacturers to locate and expand in Glasgow and that the previous policy will be reversed?

Mr. Wilson: I have no knowledge of such a policy having existed. Locate in Scotland does extremely well in bringing companies to Scotland, but the location that a company prefers is very much a matter for the company, so I shall not go down that road. I can speak only for the past year: Locate in Scotland and the Government have done extremely well in bringing extra jobs into Glasgow through inward investment. I intend that to continue and I assure my hon. Friend that there is more good news on the way.

Dr. Liam Fox (Woodspring): How can any hon. Member or anyone outside the House accept the Minister's assurances on manufacturing when it is technically in recession, inflation is at a six-year high, class sizes are going up, waiting lists are going up and the Scottish nationalists are on the march—all as a result of this incompetent Administration?

Mr. Wilson: I can only sympathise with the hon. Gentleman on the doom-laden world in which he lives. I assure him that if he comes up to Scotland he will find that quite a lot of things are going very well.

Land Reform

5. **Mr. Andrew Welsh** (Angus): How many responses he has received to his consultation document in relation to land reform in Scotland. [41254]

The Secretary of State for Scotland (Mr. Donald Dewar): So far, more than 300 written replies have been received from individuals and organisations right across the country.

Mr. Welsh: Has the Secretary of State read the Shelter report on land reform and the housing crisis in rural Scotland? Does he agree that current forms of land ownership block access to and provision of badly needed housing in Scotland's rural areas? What steps is he taking to make available land and homes for Scotland's rural communities?

Mr. Dewar: I accept that there is a problem and I am aware of the points that have been fairly put by Shelter. As the hon. Gentleman knows, a review is going on and a land reform working party is in place and operating. We want the problem to be one of the aspects of the review that is taken on board. I accept that there is work to be done.

Child Care

6. **Mr. Russell Brown** (Dumfries): What steps he is taking to ensure the continuance of child care provision, following the withdrawal of urban aid funding. [41255]

The Parliamentary Under-Secretary of State for Scotland (Mr. Sam Galbraith): As part of our strategy for child care for the financial year 1998-99, we will be making almost £4 million extra available to local authorities to develop and encourage child care in their areas. That could be used, among other purposes, to provide funding for child care projects previously funded through the urban programme.

Mr. Brown: Today, high-quality child care provision, right across the country, has been announced. Does my hon. Friend agree that what rural areas have not received in the past will come through the actions of the Government? Under the previous Administration, rural areas were sadly neglected.

Mr. Galbraith: I most certainly agree with my hon. Friend. Today, we launched our child care strategy which is designed to ensure that affordable, accessible, high-quality care is available for those who need it—right across society.

There is no absolute blueprint because needs differ and provision and diversity vary in rural areas, and it will be for local partnerships to deal with matters. We have put in large extra amounts, starting with £5 million this year, and there will be £50 million for next year. There is also the child care tax credit, which, for Scotland, alone will be an additional £30 million for the sector.

Mr. Donald Gorrie (Edinburgh, West): Will the Minister consider bringing more Departments together to approach such subjects? This country seems to have the fault of isolating individual problems. If we brought together the health service, housing, education, recreation, social work and voluntary bodies, we could deal better with problems than we can by isolating them and having a little fund here and a bigger fund there.

Mr. Galbraith: May I suggest to the hon. Gentleman that he reads the Green Paper and the child care strategy document because that is exactly what is being done? Why does he think that I am the Minister with responsibility for children? It is because I am able to co-ordinate all Departments. Other parties talk about altering government, but we have produced joined-up government to produce joined-up solutions that result in benefits for the whole of society.

Lockerbie

8. **Mr. Tam Dalyell** (Linlithgow): What discussions have taken place between the Lord Advocate's office and the US State Department relating to *(a)* evidence for the Libyan involvement in the Lockerbie bombing and *(b)* the reliability of witnesses' memories of the event. [41257]

The Minister for Home Affairs and Devolution, Scottish Office (Mr. Henry McLeish): It is not appropriate to disclose details of discussions between the office of my noble and learned Friend the Lord Advocate and United States officials.

Mr. Dalyell: Why not? At what level are they having discussions with the Americans?

Mr. McLeish: In my first response I made it quite clear that we cannot disclose details. The Government position remains that those who are accused of acts of terrorism should not be able to dictate the venue or composition of the court before which they are to be tried. Scotland and the United States have exercised jurisdiction in this case, and Libya should now surrender the two accused for trial in either of those countries, as it is required to do under the relevant United Nations Security Council resolutions.

Scottish Parliament

9. **Mr. Andrew Robathan** (Blaby): When he last met representatives of political parties to discuss procedures for the Scottish Parliament. [41258]

The Minister for Home Affairs and Devolution, Scottish Office (Mr. Henry McLeish): I met yesterday representatives of the political parties in Scotland at the third meeting of the consultative steering group on the Scottish Parliament. That group is charged with taking forward consideration of how the Parliament will operate.

Mr. Robathan: I am glad that the Minister has met the political parties as we proceed towards the Scottish Parliament. The Government have stated that they believe in the Union, but there is a great deal of uncertainty about procedures. Is the Minister not concerned that, given the opinion polls in Scotland, his right hon. Friend the Secretary of State could end up as Leader of the Opposition in the Scottish Parliament? The Scottish

nationalists could be the largest party and might use the uncertainty of procedures to undermine the whole business of the Union and the Scottish Parliament.

Mr. McLeish: The hon. Gentleman's main question related to the procedures in which we are involved and the relationship with other political parties. The realpolitik in Scotland is that parties are co-operating on a way forward. The consultative steering group is looking at Standing Orders, working methods and procedures. The Scottish people value their Parliament and want it to work for them. The nation does not want the Parliament to work for any political party.

Mr. John Maxton (Glasgow, Cathcart): Does my hon. Friend agree that it is important for the new Parliament to present a modern, efficient vision of itself in the 21st century? Therefore, can he assure us that there will be no fancy costumes; that in a multi-religious society there will be no prayers; and that modern technology will be used for voting and in many other aspects of the work of that Parliament?

Mr. McLeish: I do not want to pre-empt the work of the consultative steering group. In a sense, the issues that my hon. Friend raises are the ones which we are tackling. There is no point in having differences between Westminster and Holyrood simply for the sake of difference. We are convinced that this will be a modern substantial Parliament with tremendous law-making powers. The people of Scotland will be proud of it, but, more importantly, we have to make sure that it works properly because legislating will be the essence of the new Parliament.

Mr. Eric Forth (Bromley and Chislehurst): What constitutional and legislative safeguards are there for the people of Scotland in a one-chamber system?

Mr. McLeish: As part of the work of the consultative steering group, we are keen to explore that issue, because, in terms of constitutional development in the United Kingdom, the Parliament is a significant step. We are looking at the situation that will arise with a single chamber in the new Parliament. I think that a single chamber will work well, but it requires proper built-in safeguards and proper consultation. I take the right hon. Gentleman's question seriously and I can tell him that we have asked the expert panel that is advising the consultative steering group to look at that issue.

Land Ownership

10. **Mr. Michael Connarty** (Falkirk, East): What assessment he has made of the advantages of *(a)* reforming and *(b)* abolishing the feudal system of land ownership in Scotland. [41259]

The Parliamentary Under-Secretary of State for Scotland (Mr. Calum Macdonald): The Government favour the earliest possible abolition of feudal tenure in Scotland and have asked the Scottish Law Commission to accelerate its review, which will now be completed by the end of this year.

Mr. Connarty: I thank my hon. Friend for that reply. Getting rid of this scurrilous system, which is a hangover of the feudal relationships that once bedevilled Scotland, is long overdue. He will be aware of the campaign that is run by my hon. Friend the Member for Clydesdale (Mr. Hood), but is he also aware of the campaign that is run by the Association of Retired Persons Over 50 for people in my constituency and others, who have bought their houses in retirement and have a feudal superior who is abusing the right to charge them extortionate prices for repairs and other landlord-based provision? Can my hon. Friend give me an assurance that his revision will deal with that type of scurrilous landlord for ever?

Mr. Macdonald: I should like to tackle that problem ahead of the Scottish Law Commission final report. As a result of my hon. Friend the Member for Clydesdale (Mr. Hood) raising this issue in the House, the commission was asked to make a report on the specific problem of leasehold casualties. That report was published on 30 April and we are looking urgently at its recommendations and at the possibility of legislation at the earliest possible date.

Ms Roseanna Cunningham (Perth): Among the various options being looked at by the Government for land reform, will the Minister specifically look at the prospect of introducing a way of freezing controversial land purchases such as Knoydart to allow full investigations into the circumstances before the purchases are finalised?

Mr. Macdonald: The circumstances around the Knoydart sales certainly raise questions that cause concern to everyone who has the interest of the community at heart. That is exactly why we set up the policy group—to try to find solutions to exactly that sort of situation.

Mr. Malcolm Bruce (Gordon): In his reform, will the Minister ensure that there is a time limit beyond which people cannot go back to revived redundant titles, so that we can avoid people being pressured and indeed ripped off by clever, legally qualified people who have made no contribution to wealth creation, but have robbed people who thought that they had clear title?

Mr. Macdonald: That is also being looked at as part of the Scottish Law Commission's report. These situations create severe injustices, and the main point of the report is to try to find solutions to that problem.

Special Advisers

11. **Mr. Dominic Grieve** (Beaconsfield): If he will make a statement on the employment of special advisers in his Department. [41260]

The Secretary of State for Scotland (Mr. Donald Dewar): All special advisers are employed under the terms and conditions that are set out in the model contract for special advisers, a copy of which is in the Library of the House.

Mr. Grieve: I thank the Secretary of State for that rather bland statement. Would he care to indicate how many special advisers he has and how he envisages that the role of special advisers will develop when there is a

devolved Parliament in Edinburgh? Will it, because it is an inclusive system, not require the use of political advisers at all?

Mr. Dewar: It is difficult to envisage a situation in which Ministers, whether they be in this Parliament or in the Scottish Parliament, will not require advice and help in formulating policy. That is the role of special advisers. That is certainly what is done by the three special advisers whom I have in my Department. [HON. MEMBERS: "Three?"] These cries of astonishment suggest, if they are genuine, that Conservative Members are far off the pace. Those people advise me and they do it very well.

Mr. Ian Davidson (Glasgow, Pollok): Has the Secretary of State considered appointing a personal grooming adviser and, if so, would he make that adviser's services available to all members of the Scottish parliamentary Labour party?

Mr. Dewar: I do not believe, because I have great faith in my hon. Friend, that there is in that question any implication of criticism of my standards, although I confess that my other good and honourable friend, my hon. Friend the Member for Bolsover (Mr. Skinner), once confided to me that he thought that, apart from him, I was the worst dressed Member of the House of Commons, but, of course, since I have become a Minister, it is all different.

Economy

12. **Mr. Alex Salmond** (Banff and Buchan): When he last met the Confederation of British Industry, the Scottish Trades Union Congress and Scottish Enterprise to discuss developments in the Scottish economy. [41261]

The Minister for Education and Industry, Scottish Office (Mr. Brian Wilson): My right hon. Friend last met the CBI Scotland on 30 January, the STUC at its annual congress, on 20 April, and the chairman of Scottish Enterprise on 15 April.

Mr. Salmond: Why did the Minister find himself quoted in the BBC as attacking the Scottish National party for criticising Locate in Scotland about the inward investment setbacks in Scotland over the past few weeks? Can he produce any statement made by the SNP criticising Locate in Scotland? If not, was he misquoted on the BBC, or was he only running at the mouth? Does he understand that it is not Locate in Scotland that we do not think is up to the job, but the Industry Minister?

Mr. Wilson: Whenever the people of Scotland might be deluded into thinking that the hon. Member for Banff and Buchan (Mr. Salmond) is filling the role of statesman, he falls back into his normal behaviour. If he thinks that name calling is a substitute for policy, he has a personal problem, with which he will have to deal. Instead of asking me such questions, he should speak to the hon. Member for North Tayside (Mr. Swinney), who is sitting next to him, who will tell him that, on the night of the Lite-On announcement, he called on television for a review of inward investment policy—end of story. However, if the hon. Member for Banff and Buchan would like the video, I am sure I can help him.

Mr. Malcolm Chisholm (Edinburgh, North and Leith): May I welcome the fact that we have the first Government ever in the history of the United Kingdom to consider child care as an essential part not only of economic policy but of equal opportunities and children's policy? Will not today's first-ever national child care strategy lead both to more jobs in child care and to opportunities for parents to enter the wider labour market?

Mr. Wilson: I not only endorse my hon. Friend's comments but pay tribute to the considerable part that he personally played in the origination of that strategy. He is absolutely right that, if people are to be liberated to work, and especially if women are to be liberated to fulfil their potential in education and in the jobs market, it is essential that child care is available. Child care must be integrated with the needs of the individual and be properly resourced, and the Government are doing all of that. Ultimately, the people of Scotland are interested in child care, education, health and housing. It is those great issues on which they vote—not on the juvenile nonsense that we heard a few moments ago from the hon. Member for Banff and Buchan.

Mr. Archy Kirkwood (Roxburgh and Berwickshire): Does the Minister acknowledge the contribution made to the Scottish economy by the textile sector? When he next meets the STUC, the CBI and Scottish Enterprise, will he undertake to raise with them the issue of creating a strategy for future stabilisation of the textile industry? Will he include in those talks representatives from some of the bigger companies, such as Dawson International? Will he meet those representatives to try to stabilise our current manufacturing capacity, and to help some of the communities built around the textile industry to diversify for the future?

Mr. Wilson: I fully endorse those comments, as there are difficulties in the textile industry. I should like first to apologise directly to the hon. Gentleman for having to cancel a return visit to the borders, which has been rescheduled for early June. However, as I said, I endorse all his comments and realise the very specific problems that the borders area is currently experiencing. I also agree that we must together take action to try to deal with those problems. There are various employment problems both in the hon. Gentleman's constituency and in other border areas, and together we will have to take action to build better prospects.

Mr. Desmond Browne (Kilmarnock and Loudoun): My hon. Friend will be aware that, last week, the last shoe manufacturer in Scotland, Clansman Shoes of Kilmarnock, announced short-time working for its 128 skilled workers. The principal reason for the announcement was that the firm's main customer, Hush Puppy (UK) has sought to source its shoes from India. The announcement was made against a background of increasing uncertainty about manufacturing jobs in my constituency. Given the Minister's prompt and effective intervention when 380 jobs were lost, when British Aerospace stopped aeroplane manufacturing in Prestwick, will he consider a similar initiative for my constituency?

Mr. Wilson: The task force approach has worked well in Prestwick, as it has in Haddington in response to the major job losses, which we discussed. In the short term, I should be delighted to meet my hon. Friend and the

local authority. I recognise that there are concerns in some of the traditional industries in Kilmarnock and east Ayrshire, and we shall certainly consider whether there is more that we can do. Let us take it one step at a time; have a meeting to discuss the problems; and see where we go from there.

EU Representation

13. **Mr. John Swinney** (North Tayside): If he will list the meetings on the subjects of fishing, agriculture, education and economic development during the United Kingdom's presidency of the EU which he or one of his Ministers has chaired. [41262]

The Parliamentary Under-Secretary of State for Scotland (Mr. Calum Macdonald): The Minister for Education and Industry will represent the United Kingdom at the joint Education and Social Affairs Council on 4 June. The Minister responsible for health, the arts and children will chair a health conciliation meeting with the European Parliament on 27 May. I have represented the UK presidency in bilateral meetings on the European spatial development perspective with eight member states. In addition, the Secretary of State will represent the UK on 9 June in the regional policy discussions at the informal ministerial meeting in Glasgow.

Mr. Swinney: I thank the Minister for his reply. Does he believe that that is satisfactory representation of Scotland's distinctive interests in those policy areas? What are his expectations about the incidence of Scottish Ministers representing the Scottish Parliament in such forums after the passage of the Scotland Bill?

Mr. Macdonald: The hon. Gentleman misunderstands what is involved in chairing such meetings as part of the UK presidency. The chair is not supposed to advance national interests as such, but, rather, to look after the interests of all member states at the meeting. I expect that arrangements will continue satisfactorily after devolution, just as they do at the moment.

Mr. James Gray (North Wiltshire): Is the Minister aware that the Scottish Fishermens Federation has expressed strong concern that Scotland will lose its independent voice in Europe after devolution? Is it not a matter of regret that, after devolution, Scottish Ministers will attend European bodies only by invitation, and not by right as they do at the moment?

Mr. Macdonald: Attendance will be on the same basis as at present, which is by mutual agreement between different Departments. My right hon. Friend the Secretary of State met the federation recently, and they had a very constructive discussion on just that point.

NHS Acute Services Review

14. **Mr. Michael Moore** (Tweeddale, Ettrick and Lauderdale): When he expects the NHS acute services review to be completed; and if he will make a statement. [41263]

The Parliamentary Under-Secretary of State for Scotland (Mr. Sam Galbraith): The acute services review will be completed on time, at the end of May. The report will be published some time in June and will be made widely available.

Mr. Moore: I thank the Minister for that reply. Will he comment on whether Sir David Carter has looked at the future of the Princess Alexandra eye pavilion in Edinburgh? Will he give a specific assurance that, contrary to recent rumours, the eye pavilion's services, which are respected throughout the world and serve a wide range of people in the borders, Edinburgh and elsewhere in Scotland, will not be dispersed and that the site will not be sold simply to reap maximum development value for somebody else?

Mr. Galbraith: I should explain to the hon. Gentleman that the acute services review is not about specific details for each health board. It is a template and the basis for principles on which acute services are organised, in order to ensure that, no matter where one enters the system, one gets the best possible care. Although the eye pavilion is a matter for Lothian health board, I assure the hon. Gentleman that nowhere in the health service is a decision made simply to make money from development. All decisions are made in the best interests of the patients whom we all look after.

Local Government

15. **Ms Sandra Osborne** (Ayr): What plans he has to encourage greater community participation in local government. [41264]

The Parliamentary Under-Secretary of State for Scotland (Mr. Calum Macdonald): The Commission on Local Government and the Scottish Parliament is looking radically at how councils can best make themselves responsive and accountable to the communities that they serve.

Ms Osborne: May I draw to the Minister's attention to South Ayrshire council's new initiative in which more than 1,000 local residents regularly give feedback on council policy? From that, a citizens jury has been set up, which looks in depth at council and local issues. We are currently considering the issue of drinking in public places. Does the Minister agree that the initiative is excellent and should be encouraged in a modern democracy?

Mr. Macdonald: I completely agree with my hon. Friend. South Ayrshire council is conducting an exciting experiment, to which other councils could look. I hope that the independent commission will take the initiative into account as it completes its deliberations and takes evidence from councils.

Mrs. Eleanor Laing (Epping Forest): In encouraging greater participation in local government, does the Minister have any plans to introduce gender balance in the selection of candidates? If so, is he aware that the vast

majority of people consider such an artificial exercise to be purely in the interests of public relations and to be of no benefit whatever to the Scottish people?

Mr. Macdonald: It is for political parties to decide on gender balance. I notice that the Conservatives have managed to achieve a gender balance in their representation of zero.

Local Government Finance

16. **Mr. Ian Bruce** (South Dorset): What proportion of local government spending in Scotland is raised by council tax; and what plans he has to change this proportion. [41265]

The Parliamentary Under-Secretary of State for Scotland (Mr. Calum Macdonald): Just over 20 per cent. of local authority net expenditure in Scotland is funded by the council tax. There are no plans to alter that proportion at present.

Mr. Bruce: Surely Government policy is to extend the amount being collected locally compared to the amount provided by the national Exchequer. The English borders are subject to that policy, but Scotland is not. There is already an enormous inequality between the amount given by the central Exchequer to local authorities in Scotland and the amount given to those in England and Wales. As a result of devolution, must we not re-examine the Barnett formula and come up with a fair distribution of central funds to local funds, because, otherwise, the United Kingdom will come under enormous pressure?

Mr. Macdonald: The Conservative Government were happy to sustain and support the Barnett formula. It is odd that Conservative Members should stand on their heads and try to attack it now that they are in opposition. We will consult in the summer on proposals to return some local control over the business rate, but, if that is implemented, there will be strong safeguards to protect the interests of local businesses.

LORD CHANCELLOR'S DEPARTMENT

The Parliamentary Secretary was asked—

Law Centres

27. **Mr. Austin Mitchell** (Great Grimsby): What proposals he has to increase financial support for law centres. [41279]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. Geoffrey Hoon): To deliver the Government's manifesto commitment to create a community legal service, we are seeking to refocus legal aid on social welfare issues. We expect law centres to benefit from that if they are franchised and able to win contracts.

Mr. Mitchell: I am sure that my hon. Friend agrees that law centres are valuable and are the best way of providing good, cost-effective and efficient legal advice for the mass of ordinary people who are being priced out of paying for legal services by escalating costs. As we agree that law centres are to become the kernel of the community legal service that we are committed to providing, is it not necessary now to provide them with more money to expand their number from the present 50 or so towards the 250 envisaged at the end of the war, and to extend the range of legal services that they can provide to fill the gaps in legal aid?

Mr. Hoon: I am grateful to my hon. Friend for his observations. I agree that we should like more money to be made available to law centres, but clearly a prerequisite is that we control the costs of legal aid. We already provide grants to nine law centres and £1.7 million under the green form scheme. If we are to release resources to be made available to law centres, it is important that we are able to control the costs of the traditional legal aid scheme.

Mr. Owen Paterson (North Shropshire): What will be gained by making more legal services available to the general public when the need to travel—for example, in Shropshire, where it is proposed to close the court in Shrewsbury—makes access impossible for ordinary people?

Mr. Hoon: No decisions have yet been taken about the court in Shrewsbury. It is important that there should be a balance between the availability of courts and expense. Courts are expensive capital assets which the Government have to maintain. In supporting courts and making sure that as many people as possible have access to them, we have to ensure that the taxpayer is getting value for money. That balance must be struck.

Ms Hazel Blears (Salford): Although law centres are a key element in improving access to justice, many other advice services such as citizens advice bureaux, housing advice centres, welfare rights centres and debt counselling are funded and co-ordinated by local authorities. Will my hon. Friend ensure that, in the shaping of the future of the community legal service, local government plays a key role in ensuring that services are accessible and relevant to local people?

Mr. Hoon: I am grateful to my hon. Friend for that helpful question. Clearly it is crucial that we provide local high-quality legal assistance; indeed, to deliver a community legal service is a manifesto commitment of the Government. We are examining the range of help that may be necessary with issues such as social welfare, benefit advice, debt, housing and employment, and there is a task force in the Lord Chancellor's Department working urgently to develop a range of proposals to enable us to deliver such legal advice where it is most needed, to the most vulnerable people in our society.

Legal Aid

28. **Mrs. Eleanor Laing** (Epping Forest): How many responses his Department has received to the consultation paper on conditional fee arrangements which were (i) in favour of the Government's proposals and (ii) against them. [41282]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. Geoffrey Hoon): Consultation closed on 30 April 1998, by which time we had received 233 responses. That includes the response from the hon. and learned Member for Harborough (Mr. Garnier), but not the bundle that he submitted of private correspondence between Opposition Members and various law firms, some of which was written before the consultation paper was published, and some of which was clearly aimed at soliciting unfavourable comments. Analysis of all the responses to our paper is being undertaken and we will consider the results in due course.

Mrs. Laing: Can the Minister assure the House that, despite the clearly party political inference that he put into his answer, when the analysis takes place he will note the significant body of opinion, of which the Opposition are aware from our postbags, that opposes the Government's policy? Having done so, will he change the policy accordingly—or is the consultation exercise just a public relations exercise?

Mr. Hoon: It has been made clear—indeed, I have made it clear myself in a letter to the hon. and learned Member for Harborough—that we shall take into account all the representations that we receive. There has been a prolonged consultation period. The Lord Chancellor first suggested the changes that we are considering as long ago as October, and there has been a further consultation paper, a statement in the House and extensive discussion involving Opposition Members on how to take the proposals forward. Only when we have considered all the representations will we reach any decisions.

Mr. John Burnett (Torridge and West Devon): Mention is made in the consultation paper of the continuation of legal aid for defendants and its withdrawal in business cases. Will the Minister assure the House that legal aid will always be available to defendants such as Mr. Gerald James, formerly chairman of Astra Holdings plc, who had to defend proceedings that were subsequently found to be unsound and collapsed, although he had had to face the might of the state in those circumstances?

Mr. Hoon: Legal aid will continue to cover a range of cases, including family cases, housing cases, judicial review and actions arising from the misdeeds of public authorities, as well as to enable people to defend proceedings. I hope that that list is sufficiently wide to encompass the hon. Gentleman's concerns.

Mr. Edward Garnier (Harborough): I thank the Parliamentary Secretary for giving publicity to the work that I have done as Opposition spokesman. From my perusal of the press, it seems that I get a rather better press than either the hon. Gentleman or the Lord Chancellor—which I agree is not difficult. Does the Minister realise that it is now widely accepted that the Lord Chancellor's plans for conditional fees, although long on misdirected ambition, are woefully incoherent? Will he undertake not only personally to read every response to the consultation paper—including the letters from solicitors that I forwarded under the consultation process—but to pay attention to, and act upon, the criticisms contained in those responses?

Mr. Hoon: I am delighted to discover that the hon. and learned Gentleman is so pleased with his own publicity. I understand that a reshuffle is in the offing and I hope that his comments are in no way an advertisement of his skills for the attention of his leader, who no doubt reads *Hansard* as regularly as the rest of us. I shall certainly read all the various comments that have been made before reaching a decision on the consultation paper. It is vital that we have a reformed modernised legal aid scheme; indeed, the hon. and learned Gentleman knows that he supported a Government who regarded the costs of legal aid as utterly out of control, and the legal aid system as in urgent need of reform. It is astonishing that in such a short time he has become so used to the ways of opposition.

29. **Mr. Peter Viggers** (Gosport): What action he has recently undertaken to make transparent levels of charges for legal aid work. [41283]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. Geoffrey Hoon): The level of charges is published annually in regulations and in the legal aid handbook.

Mr. Viggers: Was it not misleading and totally unrealistic for the Lord Chancellor to say in an article in *The Independent* on 18 February that legal aid assistance should be focused on cases either involving novel and significant points of law or with wider implications? As the Lord Chancellor is cutting legal aid across the board, would that not mean that individuals involved in normal cases would pay even more and receive even less?

Mr. Hoon: The reference was to ensuring that legal aid was available in cases in which there were novel or significant points of law. Central to the proposed reforms is the belief that everyone should have access to a lawyer and that scarce taxpayers' money should be concentrated on cases in which it can do most good. It is right and proper that the availability of legal aid should be restricted in that wide range of money-related cases where, we believe, conditional fees are an adequate way in which to provide people with representation. Scarce taxpayers' funds should be concentrated on the cases in which they are justified, such as those involving novel and significant points of law.

Mr. Steve McCabe (Birmingham, Hall Green): Does my hon. Friend agree that there is a world of difference between the vast majority of solicitors engaged in legal aid work, who make a valuable and often unrecognised contribution and receive modest incomes, and the tiny proportion of people engaged in such work who can claim fees of up to £750,000 a year at taxpayers' expense? Will he join me in commending the contribution of that vast majority, and will he assure the House that, under the reforms, individuals will no longer be able to extract such exorbitant funds from the public purse?

Mr. Hoon: I am grateful to my hon. Friend for his observations. I entirely agree that the great majority of lawyers working through the legal aid system provide a valuable and consistent source of advice and representation—I am the first to pay tribute to that. My hon. Friend is right to point out that the fact that as much as £750,000 of taxpayers' money can be paid into the

pocket of one lawyer in one year is a matter of concern. It is absolutely right that the Government should publish such figures, as, indeed, our predecessors did.

Medical and Personal Injury Insurance

31. **Mr. Simon Hughes** (Southwark, North and Bermondsey): What estimate his Department has made of the impact on the legal aid budget of compulsory *(a)* medical insurance and *(b)* personal injury insurance; and if he will make a statement. [41287]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. Geoffrey Hoon): Although the Government are keen to see an expansion of legal expenses insurance generally, the Lord Chancellor's Department has not made any estimate of the impact of compulsory insurance on the legal aid budget, because that is not a realistic prospect. The Government prefer to modernise the civil justice system to make it quicker, cheaper and simpler—we want to encourage the development of voluntary insurance, wider access to membership schemes such as those provided by trade unions and other organisations, and increased availability and use of conditional fee agreements.

Mr. Hughes: In considering the legal aid system in general, will the Parliamentary Secretary bear in mind the fact that, every day, people bring cases against health authorities throughout the country? Some of those cases are legally aided and others are not, but they all involve a huge amount of public money. People want a simple way in which fault can be recognised when the health service gets something wrong. Will he talk to his colleagues in the Department of Health to ensure that people's ability to enforce their rights when things go wrong in the health service is streamlined and made far less traumatic?

Mr. Hoon: I am grateful to the hon. Gentleman for his suggestion. The Lord Chancellor's Department and the Department of Health have been engaged in discussions along those lines. In the most recent consultation document, we stressed the importance of channelling legal aid funds to those who specialise in medical negligence cases. Lawyers who deal daily with such issues do a far better job not only for the individual plaintiff but, crucially, in providing a proper and effective service to society.

Mr. Dennis Skinner (Bolsover): Does my hon. Friend agree that there is a strange irony in the fact that the Labour Government adopted Tory spending plans and introduced the possibility of cutting legal aid, but are now being condemned for it by Tory Members? Is there not a moral here—that it is time we stopped using Tory spending plans?

Mr. Hoon: I had considerable experience of disagreeing with my hon. Friend in the days when I had the privilege to represent him in the European Parliament. The important point is that the Government do not intend to cut legal aid. Our ambition is to refocus it and save money on traditional legal aid, to ensure that we can help the most vulnerable in our society, many of whom live in Bolsover.

Mr. John M. Taylor (Solihull): When will the Legal Aid Board become subject to the late payment legislation that is currently before the House?

Mr. Hoon: We are considering that.

Indonesia

3.30 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): With permission, Madam Speaker, I would like to make a statement on the current situation in Indonesia.

Our top priority remains to ensure the safety of British citizens in Indonesia. Throughout the recent unrest, the embassy has kept in close touch with the British community through the warden system and through regularly updated travel advice. That advice has also been broadcast by the BBC World Service. Emergency telephone lines have been set up in Jakarta to provide up-to-date information 24 hours a day.

Advice to resident British nationals caught up in the unrest has been kept under constant review. From Friday 15 May, Britons were advised to consider leaving Indonesia. Early this morning, in view of the latest political developments and the demonstrations expected on 20 May, we issued advice that British citizens should leave Indonesia, preferably avoiding travel on 20 May. At our ambassador's request, an additional British Airways 747 flight has been arranged by the Foreign and Commonwealth Office, leaving Jakarta later today for Kuala Lumpur. Other scheduled flights are also available.

British citizens with safe access to the airport were advised to make their own way there, where an embassy team will be available at the British Airways office to give advice. The embassy also chartered a fleet of buses to transport British citizens from central Jakarta. As an extra precaution, a police escort was requested and provided.

We were greatly saddened by the tragic death of a British citizen in Jakarta on 14 May. Our deepest sympathy goes out to his family. The motive appears to have been robbery, as the evidence suggests that the death was unrelated to the political violence. We have asked the Indonesian police for investigation reports as a matter of urgency. We have also heard rumours of the possible death of a second British national, but that has not yet been confirmed. Our embassy in Jakarta is working in extremely difficult circumstances to try to establish the full facts.

I would like to thank the staff of our embassy in Jakarta for their hard work in the face of enormous difficulties and a very unpredictable political situation. They, and many of their spouses, have been working tirelessly round the clock since 14 May to help the local British community. Many of them also have dependants in Indonesia to worry about. Although their work is not yet over, I would like to take this opportunity to thank them now for their continuing efforts and their support to the British community. We are also very grateful to British Airways, and especially to Claire Hatton and her staff in Jakarta, for their great efforts to help many Britons leaving Indonesia.

The situation in Indonesia is changing very rapidly. President Suharto told the Indonesian people in a television address today that there will be general elections as soon as possible and that he will not stand again. We call on the Government of Indonesia to ensure that the new elections are free and fair. Political reforms are needed that will do justice to the aspirations of the people of Indonesia. The tragic violence that we have witnessed over the past week must be stopped, before more innocent lives are claimed. We urge Indonesia to introduce the necessary changes quickly, so that calm and stability can be restored.

The British Government have been following developments in Indonesia closely over recent months. Ministers have made our concerns clear to the Indonesian authorities. I visited Jakarta in March, and my right hon. Friend the Chancellor of the Exchequer was also in Indonesia at the beginning of this month. He took the opportunity then to underline the importance of political and economic reform. Together with our European Union partners, we issued a statement on 13 May calling on the authorities to exercise maximum restraint and to respect individual rights. That message has been conveyed to the Indonesian authorities through our embassy in Jakarta. I summoned the Indonesian ambassador on 13 May.

My right hon. Friend the Prime Minister took the opportunity of the G8 summit to discuss the situation in Indonesia. As the House knows, leaders called on the Government of Indonesia to refrain from using lethal force and to initiate political reform. We have stressed the importance of political and economic reform. The two are now essential to recovery in Indonesia. I am sure that the House will want to support the Government in calling for peaceful transition in Indonesia.

Mr. Michael Howard (Folkestone and Hythe): I am grateful to the Minister for the way in which he gave me advance notice of his statement. I join him in expressing deep sympathy with the family of the British citizen who was killed in Jakarta on 14 May. I express also my sympathy with the families of other nationals, including Indonesians, who have lost their lives in the tragic disturbances.

The Minister was right to thank the staff of our embassy in Jakarta and of British Airways. I would particularly like to associate myself with his tribute to Claire Hatton, the British Airways employee who kept her office open throughout the disturbances and helped some 2,000 people to leave the country.

I agree with the Minister on the importance of early, free and fair elections and of respecting human rights in Indonesia. Have the Government offered any assistance for the conduct of those elections? What consultations have the Government had with Indonesia's regional neighbours? In the light of events, does he think that the package of assistance offered by the International Monetary Fund and the World bank, and the terms on which it was offered, were well judged? What action, if any, have the Government taken to ensure that the assistance from those bodies is reviewed in the light of these events? Will the Government pay particular attention to the warnings given by the Government of Australia on these questions, to which I drew the attention of the Foreign Office some two months ago?

Finally, will the Minister comment on the Foreign Secretary's statement last week that none of the British-made vehicles used by the Indonesian Government has been exported since Labour came to power? Does he associate himself with the explanation of the Foreign Office spokesman that that statement was made during a compressed interview that made it difficult to go into the

[Mr. Michael Howard]

sort of depth that this complex issue requires, or will he be more forthcoming and simply say that the Foreign Secretary got it wrong again?

Mr. Fatchett: I thank the right hon. and learned Gentleman for his early remarks. He is right to express sympathy not only to UK nationals but to those of other countries caught up in these events. I share his congratulations and thanks to Claire Hatton, British Airways staff and embassy staff. We are grateful for all their work on behalf of UK citizens. I agree that we need early, fair elections in Indonesia. I am not optimistic that they will take place, but I agree that we should continue to push in that direction and to urge on the Indonesian Government a greater respect for human rights and a great improvement in their record.

The right hon. and learned Gentleman asked three specific questions. We have as yet had no request for assistance with elections, but if we were convinced that there would be free and fair elections in Indonesia, we would be willing to play a part, in the way in which Britain and the European Union have on other occasions. We have been in constant contact with Indonesia's regional neighbours. The right hon. and learned Gentleman knows that, as part of the EU presidency, I visited Indonesia's neighbours a few weeks ago, as did my right hon. Friend the Chancellor of the Exchequer.

The right hon. and learned Gentleman asked about the IMF programme. I think that the worst possible sign that we could give to the Suharto regime, and the worst possible way of developing human rights and democracy in Indonesia, would be to give the impression that that programme is now negotiable. The programme is important, to lever in political and economic reform. Without that, there will be no accountability and transparency, and those are developments that we desperately need in Indonesia.

Finally, the right hon. and learned Gentleman referred to export licences. I am always impressed and intrigued by his brazen audacity at the Dispatch Box. It might be worth while reminding the House that no equipment used in recent events has been licensed since 1 May 1997. All the equipment used to which attention has been drawn was licensed by Conservative Members, and it is about time that that party took responsibility for what is happening in Indonesia.

Mr. Dale Campbell-Savours (Workington): If a new Indonesian regime were to apply to the Government to freeze the assets of the Suharto family here, on the basis that those assets had been illegally transferred from Indonesia, would my hon. Friend look favourably on such an application?

Mr. Fatchett: My hon. Friend raises a number of hypothetical issues that may well become important as developments take place. I can say that we shall support the principle of accountability and transparency not merely in Indonesia, but here in the United Kingdom if that is relevant.

Dr. Jenny Tonge (Richmond Park): Does not the Minister think it a bit rich to call on the Indonesian Government to refrain from using lethal force now, despite this Government's ethical foreign policy, which, frankly, has carried on the policy of the previous Government and that was repeating Baroness Chalker's mantra that arms should not be sold that could be used for internal repression? Does he realise that, tomorrow, when the student demonstration takes place, students are likely to be killed and maimed using British riot control agents, British nerve gases, British batons and British water cannon?

Mr. Fatchett: It is absolutely right to urge restraint on the Indonesian authorities. I do not think that any hon. Member would take a different view, and any movement towards democracy and respect for human rights in Indonesia would be a step in the right direction; we would all support that.

The hon. Lady seems not to have done her homework as she normally does. To aim her criticism at the Labour Benches rather than the Conservative Benches is a mistake on her part. I repeat that the water cannon, to take the example that she used, was equipment licensed under the previous Government. It is about time that the hon. Lady looked at what happened and clearly differentiated between the record of this Government and that of the previous Administration.

Ann Clwyd (Cynon Valley): What Baroness Chalker actually said was that once one sends weapons to a country such as Indonesia, one cannot possibly monitor their end use. Why did we not revoke the licences given by the previous Government when we had the opportunity to do so last year—when our policy states clearly that we will not sell arms for internal repression? It is true that the licences granted by the previous Government are responsible for the use of British-made water cannon on the streets in Indonesia against unarmed students as recently as April. Why, despite all the knowledge that we were propping up a rotten, corrupt regime, which was responsible for the most terrible human rights abuses, did we still not revoke those licences?

Since May last year, we have agreed another 56 licences for all sorts of military equipment which, in 18 or 24 months' time, might be used on the streets in Indonesia. It really is not good enough to say that we are not responsible for the equipment that is being used now, when, in 18 months' time, equipment that we have supplied may also be used against the very same people who are now fighting for democracy and human rights on those streets.

Mr. Fatchett: I very much respect my hon. Friend's views and know that she has a long-standing interest in Indonesia and developments there. She is absolutely right to make the differentiation she made in terms of licences. The new licence criteria that were introduced last July, despite Conservative opposition, are tougher, and it is now extremely difficult to imagine that the Labour Government would ever grant a licence for, for example, water cannon; that would simply not happen. My hon. Friend points the finger and lays the responsibility exactly where that responsibility rests.

Mr. Patrick Nicholls (Teignbridge): Does the hon. Gentleman agree that it is readily apparent, even from only watching newsreels, that the spectrum of

demonstration and violence extends from students, protesting as students sometimes will, to criminal elements, who are frankly exploiting the situation; that that is something which we have seen in Europe, for example, in France in the 1960s; and that it is not simply an Indonesian phenomenon? Whatever President Suharto's shortcomings as a Westminster democrat may be, the record will show that, judged in the context of the country within which he operates, he has raised the condition of his people, and history might come to a slightly different judgment from the one being expressed here today. In short, is not the situation a great deal more complicated than many hon. Members and some commentators think?

Finally, it is the Minister's position that he had no choice but to go ahead with the export of particular types of equipment because the previous Conservative Government had granted a licence; but if he believes the material supplied by the hon. Member for Cynon Valley (Ann Clwyd) and is now satisfied that the equipment was used in breach of the licence conditions, surely he could revoke the licence. That was the point he avoided when responding to the questions asked by my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard).

Mr. Fatchett: I am surprised that there is one apologist for the Indonesian regime in the House, but if I had had to predict who it would be, I might well have pointed my finger at the hon. Member for Teignbridge (Mr. Nicholls). His defence of the Indonesian regime, despite its lack of democracy or respect for human rights, even brought embarrassment to his own Front Benchers.

Mr. Roger Berry (Kingswood): Does my hon. Friend agree that Conservative support for the military regime in Indonesia is a disgrace to the House, not least given the events in East Timor in recent decades and the current conflict within Indonesia itself? Does he further agree that we should condemn the previous Conservative Government for their policy of granting, willy-nilly, export licences for arms that are now being used against the Indonesian people? How is that policy to change under the present Government?

Mr. Fatchett: My hon. Friend is right to express his surprise at the support for the regime in Indonesia and the reluctance among Conservative Members to back the programme of political reform that is so desperately needed in that country. He is also right to make, yet again, the crucial differentiation between the records of the two Governments. The arms sales criteria that we introduced last July are tougher and have played out tougher in practice. My hon. Friend knows that, and I am grateful for his support. He will know that the hoo-hah about one issue that we have heard in recent weeks contrasts sharply with the Conservatives' support for arming Indonesia, despite its past record; that contrast will be very obvious to hon. Members and to the general public.

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): The Minister referred to the need for political and economic reform in Indonesia. Does he agree that such reform must include self-determination for the people of East Timor? Will he undertake to continue to press for the implementation of United Nations resolutions in respect of East Timor?

Mr. Fatchett: As the hon. Gentleman knows, we have taken an initiative during our EU presidency on the issue of East Timor. That is why we sent EU troika ambassadors on a visit to East Timor and why we have continued to take an interest in East Timor. We share the broad aspirations that the hon. Gentleman set out in his question.

Mrs. Alice Mahon (Halifax): My hon. Friend will be aware that some ethnic minorities in Indonesia are being singled out by the mob for special treatment. What help can the outside community give to people such as the ethnic Chinese, who are receiving no protection whatever from the police or security forces in that country?

Mr. Fatchett: My hon. Friend talks about one of the more alarming developments taking place in Indonesia. I think that all of us will express deep sympathy for the Chinese ethnic minority, which has made such an important contribution to development in Indonesia. It is important that, in whatever way possible, we offer protection to all those people, because they have an absolute right to live in Indonesia and an absolute right to have the contribution that they have made for years recognised and respected. We shall urge restraint and urge the Indonesian Government to give the fullest possible defence to those people.

Mr. John Wilkinson (Ruislip-Northwood): The House will have noted with approval that the Minister gave priority in his statement to ensuring the safety of British citizens in a situation that must have been dire for them and their families—witnessing the destruction, in many instances, of their livelihood and the way of life that they had established as expatriates in Indonesia. Is the Minister satisfied that the chartered jumbo jet and the scheduled services with airlines other than British Airways will be sufficient to transport out of Indonesia all British people who wish to accept his Department's wise advice to leave?

Is the Minister aware that, in situations of this kind that can deteriorate even more, the necessary form of military back-up should always be present, and in that connection, can he confirm to the House that his Department advised the strategic defence review that the Royal Air Force should have a heavy-lift capability?

Mr. Fatchett: I am very grateful for the first part of the hon. Gentleman's comments. Obviously, it is our primary responsibility to look after the security and well-being of British citizens, and we shall do our utmost to discharge that responsibility. I am confident that we can discharge that responsibility. I believe that the steps so far taken by the ambassador and his staff have worked very well toward that objective. I am confident that the new steps that we have announced and the advice that we shall give will ensure that every British citizen who wishes to leave Indonesia will have the opportunity to do so.

Mr. Tam Dalyell (Linlithgow): Is the Minister aware that those of us who were lucky enough to go to Indonesia 30-odd years ago are really dismayed by what has

[Mr. Tam Dalyell]

happened in the past 15 years, and by the way in which events have turned out? However, does he recognise that it may now be a Javanese problem rather than an Indonesian problem? What advice is being given to British citizens in Sumatra, Lombok, Flores, Sulawesi and Kalimantan, where circumstances may be entirely different, away from the Jakarta mob?

Mr. Fatchett: Our advice to all British citizens, in whatever part of Indonesia and on whatever island, is to leave. We still feel that that is the most appropriate advice, whether in Jakarta or one of the other islands; we are not differentiating between them. I believe that it would be risky for us to try to differentiate. The important thing is to get British citizens out if they so wish, and we wish them to come at this stage, for their safety.

Mr. Edward Garnier (Harborough): I am sure that the Minister appreciates that many people in this country are worried about the well-being and whereabouts of relations and friends in Indonesia. Is an information line available at the Foreign and Commonwealth Office, which the public may contact to get such information?

Mr. Fatchett: There is, and we shall ensure that that information line is made available for the public, and for the use of Members if they wish to take up individual cases.

Mrs. Anne Campbell (Cambridge): Will my hon. Friend assure the House that he will continue to insist on the importance of human rights and political democracy to Indonesian Ministers when he meets them, and is not that in sharp contrast to the policy of the previous Government, who did not think it necessary to mention those things?

Mr. Fatchett: My hon. Friend is right, and I believe that the tone of the questions this afternoon shows that to be very much the case. We have constantly talked about the need for political reform, accountability, transparency and a respect for human rights, and we shall continue to do so. I do not think that we shall hear from the Labour Benches any support for Suharto, the regime in Indonesia and the mistakes that have been made over the years. I believe that that contrast will be widely understood and respected.

Mr. Ian Bruce (South Dorset): Perhaps the Minister will think again about the advice that he gave his hon. Friend the Member for Linlithgow (Mr. Dalyell). There are 13,000 islands in Indonesia, so to suggest that everyone is at the same risk is surely incorrect. Will he also comment on the G8 suggestion that the Indonesian regime should use non-lethal force? Is the Minister saying that water cannon should be used to control the rioters? Clearly, the vast majority of those who died did so because rioters set fire to shops and suchlike.

Mr. Fatchett: I repeat the point that I made to my hon. Friend the Member for Linlithgow (Mr. Dalyell): we advise all British citizens to get out of Indonesia, wherever they are. We see that as the best advice to offer.

The hon. Gentleman referred to water cannon, which many people would see as lethal equipment. If the Government were faced with a licence application for similar equipment to be exported to Indonesia, I do not expect that we, unlike the previous regime, would agree to it.

Ms Gisela Stuart (Birmingham, Edgbaston): Will the Minister confirm that the Labour Government refused to permit the export of machine guns and tear gas to Indonesia?

Mr. Fatchett: The answer is yes. That is part of the policy that we have adopted over the past 12 months.

Mr. Brian White (Milton Keynes, North-East): Does my hon. Friend recognise that many non-governmental organisations have highlighted the situation in the rural areas of Indonesia? We have all seen what has happened in Jakarta this week, but many people in rural areas are starving as a direct result of Indonesian Government policy. Will my hon. Friend make representations that go beyond what is happening in Jakarta and which touch on abuse of human rights in the rural areas?

Mr. Fatchett: My hon. Friend makes an important point. When I was in Jakarta a few weeks ago, one of my concerns—it was also expressed to me by others—was the fact that Indonesia may be unable, because of changes in its infrastructure, to deliver enough food to people in the outlying islands. There may be a state of near famine in many of those islands, and the international community must address that issue with some urgency.

Concessionary Travel Schemes (Scotland)

3.56 pm

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): I beg to move,

That leave be given to bring in a Bill to require Scottish local authorities to make reciprocal arrangements for the operation of bus and rail concessionary travel schemes for visually impaired and blind people within their areas; and for connected purposes.

Because of local government reorganisation under the previous Administration, there are 32 separate travel schemes for blind people in Scotland. Most of those independent schemes offer free or concessionary schemes to registered blind residents. However, the anomaly lies in the fact that the schemes are not co-ordinated or interchangeable across local authority boundaries.

To put it simply, blind or visually impaired people can travel at a concessionary rate within their own local authority areas, but when they travel outside those boundaries, there is no guarantee that they will receive their customary benefits. The only substantial impediment to geographical equality is that there is no statutory requirement on local authorities to provide schemes similar to those enjoyed by their own residents for non-residents who visit their areas.

My Bill would require Scottish local authorities to establish reciprocal agreements to extend their schemes to blind and visually impaired people who visit their areas. That would create equality and consistency across Scotland for all registered blind and visually impaired citizens. The scheme would extend to all bus and rail transport in Scotland.

For many years, the National Federation of the Blind has highlighted the need for a co-ordinated scheme, and it recently met the Scottish Office and the Convention of Scottish Local Authorities to press for action. Despite broadly favourable responses from both, there has been no concerted effort to implement the principles of such a scheme. My Bill offers the opportunity to establish a fair and workable scheme that will end a glaring omission from the Disability Discrimination Act 1995, which required local authorities to plan only for their own blind residents. The Bill should not impose any significant additional financial burden on local authorities, and it would be jointly administered by the Scottish Office and COSLA.

There are more than 30,000 registered blind people in Scotland, of whom 9,000 are partially sighted. More than 85 per cent. of those people are over the age of 60, and many are unable to travel unattended, so it is important for them that their companion can travel with them. Therefore, I propose that the basic provisions of the Bill should be extended to include a companion card scheme, which is currently operated in 23 local authority areas, to assist the stress-free movement of the blind and visually impaired throughout Scotland.

To put the proposal in a broader context, there are many worthwhile examples of similar schemes throughout Europe. The best example of workable schemes lies across the Irish sea. Both the Republic of Ireland and Northern Ireland operate free concessionary travel schemes throughout the country to all registered blind and visually impaired people. Those schemes have been in operation for several years without significant problems, and have been warmly welcomed by blind and visually impaired residents of those countries.

Concessionary travel schemes are available throughout the public transport network to registered blind people in Belgium, Finland, Germany, Greece, Luxembourg, Spain, Sweden and Switzerland. In addition, free companion travel schemes are available to blind people who purchase a ticket for travel in Denmark, France, Italy, Luxembourg, the Netherlands and Switzerland. International travel has been made significantly easier through the Voyager Plus programme, whereby a blind person purchasing a first or second-class ticket for travel to more than 20 European countries is automatically entitled to a free companion ticket. If we can learn from our European partners, we, too, can have a national scheme of which to be proud.

I recognise Scotland's long tradition of concessionary travel, dating back to 1922 in Edinburgh and following on to other cities. I also recognise the contribution made by all parties to the development of such schemes in their local council areas. The points that I am making are clearly not party political, as is demonstrated by the cross-party support for a number of early-day motions on the issue and the cross-party sponsorship of the Bill.

As we contemplate the new millennium, I see such a national scheme as a timely reminder of the importance of our community values and as an encouragement to use and enhance our public transport network. It is certainly an area where the Scottish Parliament can move forward, if this House fails to respond to the needs of blind and visually impaired people across Scotland. The proposal could lead the way for the adoption of similar schemes in the other nations of the United Kingdom, as is demonstrated by the support of English and Welsh Members for my Bill.

It is encouraging that COSLA and the Scottish Office have expressed their support for such a scheme, but unfortunately little progress has thus far been achieved. Clearly, the Minister for Home Affairs and Devolution, Scottish Office supports the principles of my Bill, as he has stated:

"This Government is very much committed to partnership and we want transport operators to help us address social exclusion from transport services which still affects many blind people. I am calling on them to introduce a free concessionary travel scheme which will go some way to helping blind people enjoy a better quality of life."

However, words are not enough. The Bill offers a route for action.

I understand that the Scottish Office is to publish

"the Integrated Transport White Paper in the summer. This will be the most significant single event in postwar Scottish Transport."

I hope that the Scottish Office will seriously consider integrating the principles of my Bill in order to engender consistency and equality across Scotland. It is a small but important step towards making travel for the blind and visually impaired more accessible and less stressful. I am encouraged by the cross-party support for this important measure.

Question put and agreed to.

Bill ordered to be brought in by Mr. Alasdair Morgan, Mrs. Margaret Ewing, Mr. Donald Gorrie, Mr. Peter Bottomley, Mr. Dafydd Wigley, Mr. John McAllion, Mr. John Swinney and Mr. Michael Moore.

CONCESSIONARY TRAVEL SCHEMES (SCOTLAND)

Mr. Alasdair Morgan accordingly presented a Bill to require Scottish local authorities to make reciprocal arrangements for the operation of bus and rail concessionary travel schemes for visually impaired and blind people within their areas; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 3 July, and to be printed [Bill 191].

Written Questions

4.4 pm

Mr. Nicholas Soames (Mid-Sussex): On a point of order, Madam Speaker. I am sorry to trouble you again with a matter that I raised yesterday regarding the answering of written questions. I said yesterday that Ministers continue to abuse the system of named days by failing to answer questions on the day that is named. I received an answer to a question yesterday, which appears at column *260* of *Hansard*. Madam Speaker, I know that you are not responsible for answers given in this place, but the answer provided bears absolutely no relation to the question that I asked concerning an important matter. Will you issue an instruction to Ministers through the Leader of the House that they must try to answer the questions that are asked and do so on the day that answers are due?

Madam Speaker: As the hon. Gentleman points out, answers to questions are not my responsibility. I know that he has raised this matter before. He might put his question directly to the President of the Council when she deals with business questions. I cannot commit myself, but I shall try to look his way at the appropriate time.

Orders of the Day

Scotland Bill

[3RD ALLOTTED DAY]

As amended (in the Committee), further considered.

Clause 34

STAGES OF BILLS

4.5 pm

Mr. Michael Ancram (Devizes): I beg to move amendment No. 7, in page 16, line 35, leave out from beginning to end of line 7 on page 17 and insert—

'.—(1) Each Bill considered by the Parliament shall comprise the following stages—

(a) a general debate and vote on the principles of the Bill;

(b) a committee stage for members of the Parliament to consider and vote on the detail of the bill and for interested bodies to make representations to the Parliament;

(c) a further stage for interested bodies to make representations to the Parliament;

(d) a report stage to consider any amendments subsequent to the committee stage in subsection (1)(b) and the further stage for representations in subsection (1)(c);

(e) a final debate and vote on the Bill at which the Parliament can either pass or reject it.

(2) A period of not less than three calendar months shall separate the stages of the Bill mentioned in subsections (1)(b) and (1)(d) unless otherwise provided for by a resolution supported by the votes of not less than two-thirds of the total number of seats for members of the Parliament.'.

As we near the end of this long road, we must feel rather like those in history who embarked on long marches. I hope that we can deal today with those matters that have not been covered since we began this process on 12 January. Amendment No. 7 is designed to fill what we believe is a serious gap in the provisions of the legislation. I suspect that the Minister will say that the procedures of the Scottish Parliament are a matter for that Parliament and for the committee that is advising him. I simply remind him that the Bill—rather unusually at this stage—requires the Standing Orders to contain certain provisions. We think that that is right: the House should have an overview of the general way in which the Scottish Parliament will operate.

Clause 34, which I am seeking to amend, already includes provisions governing the stages through which legislation must pass in the Scottish Parliament. My amendment is before the House because we believe that those provisions are inadequate in very specific and important ways. The amendment seeks to address the fact that the Scottish Parliament is unicameral.

When the Bill leaves the House today, it will go to another place where the noble lords will examine our work closely and, for all I know, may ask the House to think again about certain measures that have been passed. That is right, because that is the proper role of a scrutinising Chamber. The ability to require the main House of Parliament to reconsider legislation that may be inadequate, badly drafted or fundamentally wrong is an important safeguard within our constitution.

That facility does not exist for the Scottish Parliament. According to the Bill, legislation will pass through the stages set out in clause 34. Subsection (1)(a) essentially provides for a Second Reading debate, subsection (1)(b) provides for a Committee stage and subsection (1)(c) provides for a Third Reading.

Mr. Alex Salmond (Banff and Buchan): I am following the right hon. Gentleman's argument quite closely. He seems to be cutting across the purpose of the consultative group that is examining those aspects, which includes Conservative representatives and the Minister of State as chairman. Why is the right hon. Gentleman cutting across his own party in Scotland, which is attempting to agree those matters, by trying to be so prescriptive in this place?

Mr. Ancram: The hon. Gentleman may not have been listening when I said that I expected that to be the answer given to me by the Minister. The hon. Gentleman should look at clause 34, which already does precisely that. I merely think that it does it inadequately, so it is important that we point out the inadequacy.

Report stages, let alone a second chamber, are missing from the Bill. Report is a useful stage for legislation. Hon. Members should look at the amendment papers for last Tuesday and for today: the vast majority of amendments are Government amendments to areas that they failed to get right when the Bill was drafted or failed to adjust sufficiently in Committee. They have an enormous amount of revising work to do on their own Bill on Report.

When the Bill reaches the House of Lords, even more Government amendments may be tabled. I make no complaint about that, because a procedure that takes a Bill through Parliament in such a way that faults can be cured before it reaches the statute book and becomes law is an important protection of the quality of legislation.

If such omissions occur during those three stages when a Bill goes through the Scottish Parliament, however, there will be no way to correct them, other than by amending the original primary legislation through further primary legislation. That cannot be satisfactory, from anyone's point of view. The only people who might find pleasure in such a situation are in my old profession, the law, which lives on the mistakes made by Governments and omissions in legislation. That is the basis on which they can earn a good living, but we must try to ensure that such a situation does not arise.

In my view, there is no case for a second chamber in the Scottish context. We would all agree that, if anything, there is too much politics and that there will be all sorts of layers of politicians in Scotland. To create yet another layer would not meet with the approval of the Scottish people, whatever form it might take and whatever its context and powers. We considered whether, in terms of the Scottish Grand Committee, which is exclusive to Scottish MPs, there might be a role for Scottish Members of Parliament elected to this place by the Scottish electorate, but we decided that that might be difficult and cumbersome. The amendment is simple: it would add two further stages to the three in the Bill.

The first stage would be a period of reflection and consideration. When Committee consideration—the stage described in clause 34(1)(b)—had been completed,

[Mr. Ancram]

legislators could reflect on the nature of the legislation for three calendar months. More important, those concerned with the legislation's effect and those with an interest in its working properly would have a chance to make representations and suggestions to the Scottish Parliament which could be taken into account before the Bill completed all its stages. The second stage would be Report. Following the period of reflection and the making of representations, the Parliament would have the chance to table or to consider amendments reflecting such representations and, indeed, to press for some reconsideration by the Administration.

The amendment would not tie the hands of the Scottish Parliament; we are making more sense of something that is deficient. Although the Minister's record in acceding to amendments has not been good, we have tabled the amendment in the hope that he will realise the sense of it and accept it. It is in the interests of everyone in Scotland that the Parliament produces quality law.

Perhaps I should declare an interest. Although I have not practised since 1979, I am a Scottish advocate who admires the Scottish legal system and who often boasts about the quality of Scottish law. It would be sad if devolution resulted in less considered laws being passed, because that would lead to a diminution in the quality of Scots law. For that reason and to give a greater say to bodies in Scotland that might have an interest in the legislation, I commend the amendment.

4.15 pm

Mr. Tam Dalyell (Linlithgow): The process would not be difficult and cumbersome, as the right hon. Member for Devizes (Mr. Ancram) would have it. It would be politically impossible, and we must rule out straight away any idea that the Scottish Grand Committee or anything like it could possibly be a revising body, because that would lead to all sorts of political difficulties and frictions. It is not clever either to suggest a body that is equivalent to the House of Lords. I do not know what it would be called—possibly the House of Thanes. That is out. However, there is a real problem and it would be much more satisfactory to have some kind of revising mechanism.

I have a question for the Government. We read about a new body called the council of the isles. I do not know what substance there is in that or the form that such a body would take. Is it envisaged anywhere, as has been suggested in some sections of the press, that that council could take the place in the legislative process of the House of Lords? The answer may be no, but I should like to have an answer.

Mr. James Wallace (Orkney and Shetland): The amendment's motives are no doubt well intentioned. They are to try to ensure that the laws that are passed by the Scottish Parliament are understandable and effective. Like the right hon. Member for Devizes (Mr. Ancram), I declare an interest as I am a member of the Faculty of Advocates. However, I am not sure that legislation is necessarily the greatest jewel in the crown of Scots law. I am sure that there are many ways in which we could improve our law making. We could try to frame our legislation in language that is much more readily understood by lay people. I hope that the Scottish Parliament will address that.

My objection to the amendment is that it is far too prescriptive. I acknowledge that provisions in clause 34 have to be included in Standing Orders, but the amendment goes too far and would tie the Parliament's hands and, in the meantime, those of the consultative steering group. That group could do much imaginative work about how legislation should be treated, not least by pre-legislative Committees, which are completely missing from the Bill.

All of us who were involved in the constitutional convention and in discussions in the constitutional steering group, most recently yesterday, agree that there should be proper, widespread consultation before Bills are laid before the Scottish Parliament. That would go a long way towards giving the reassurances that were sought by the right hon. Member for Devizes. Legislation should address the needs that have prompted it. I fear that some of the time scales could be unrealistic, although there is a let-out clause for a two-thirds vote.

I hope that the Scottish Parliament will not be hidebound by a requirement to pass all its legislation in one year. There should be provision for rollover into the following year if that makes sense. That, in itself, would provide further opportunities for consultation. The consultative steering group and the Parliament should not be tied by the type of structures that are employed in this Parliament. They may work well here, but we are starting with a clean sheet and we should be allowed to engage in some lateral thinking to see how things could be done differently and, I hope, better. I oppose the amendment.

Mr. Dominic Grieve (Beaconsfield): The difficulty that has been faced throughout this legislation is that there is a desire to give Scotland the maximum devolved government within the ambit of the Bill, but it is a devolved Parliament, and the buck will stop back in this place, which is one of the problems that the hon. Member for Linlithgow (Mr. Dalyell) has touched on frequently during our debates. Therefore, the difficulty that we face is the extent to which we should try to go into the procedure of the Parliament to ensure that it works properly.

The amendment is a good one because it does not stray so far into procedure. That is not a matter which can be left solely to the Scottish Parliament. It is essential, if we have a unicameral Parliament in Scotland, that there should be procedure for proper scrutiny, so that, if complaints arise, we can at least say, "There is a perfectly clear system for dealing with this in Edinburgh. Don't come bleating to us about it. The system is there and the scrutiny has properly taken place."

Mr. John Swinney (North Tayside): I do not feel that the hon. Gentleman has learnt many of the lessons of the referendum. People in Scotland voted for a particular type of Parliament, as set out in the White Paper, and that Parliament should be allowed to take its decisions. If the Conservatives had reflected more on the feeling in Scotland and the demand in the referendum for a Parliament of the nature that is being established, the problems that he says the Parliament is incapable of addressing of its own free will would not arise. It seems a rather supremacist attitude.

Mr. Grieve: I think that the hon. Gentleman has misunderstood the point that I am making. What is more

extraordinary, he has misunderstood his party's position in the referendum. It backed a devolved Parliament. It did not back a sovereign Parliament. As Ministers have said on countless occasions, the Parliament is devolved and residual responsibilities will remain here. I believe that they will remain here in practice. When complaints arise, they will still be ventilated in this place, although how we are ever going to deal with them, I do not know. It is certainly not a supremacist attitude.

Mr. John McAllion (Dundee, East): Will the hon. Gentleman explain to me, as I am a bit slow on the uptake, where it says in the Bill that the way in which the Scottish Parliament conducts its business is a reserved matter for Westminster?

Mr. Grieve: The way in which the Scottish Parliament conducts its business is not a reserved matter. If badly drafted legislation goes through the Scottish Parliament, and there are complaints about it which are brought back to this place, that will be a matter for us. It is bound to be a matter for us; that is one of the central difficulties of this whole legislation.

Mr. Salmond: Can the hon. Gentleman, as a relatively new Member, think of any badly drafted legislation that has gone through this place—pioneered by the right hon. Member for Devizes (Mr. Ancram), in the case of the poll tax legislation—and through exactly the processes that he is trying to impose on the Scottish Parliament?

Mr. Grieve: I cannot think of any in the past 12 months. I can certainly think of stacks of badly drafted statutory instruments that have gone through the House. I have to look at them once a week. There is much bad legislation being passed. That is not a reason why we should not try to set up systems for Edinburgh that are workable. The matter is of particular importance because it is going to be a unicameral assembly.

Mr. Wallace: The hon. Gentleman said that if legislation that is passed in Edinburgh is bad and does not work, it will have to be tidied up or brought back to the House. By what mechanism does he see that happening?

Mr. Grieve: I did not say that. If the hon. and learned Gentleman had listened, he would have realised that that was not what I said. I said that if bad legislation is passed, the fact that sovereignty is remaining with this Parliament will, by implication, lead to problems that arise in Scotland being brought back to this Chamber. They will be raised in the House by Members of Parliament for Scottish constituencies. The matter simply will not go away, and I wish to minimise any adverse consequences. The best way of doing that, if it is necessary to do so, is for hon. Members to be satisfied, when we devolve power to Edinburgh, that the scrutiny system is such that we are wholly happy with it—which is the purpose of clause 34 and amendment No. 7.

The Minister for Home Affairs and Devolution, Scottish Office (Mr. Henry McLeish): I shall attempt to be helpful. In devolved matters within the legislative competence of the Scottish Parliament, the Parliament will be in a position to make good or bad legislation. In my judgment, it will be good legislation. There will be an opportunity to interface with Westminster only when there is an issue of vires or of, for example, Scots law impinging on reserved matters. Otherwise, hon. Members will have no locus in the Scottish Parliament's deliberations on legislation in devolved matters.

Mr. Grieve: I am grateful to the Minister for teaching me, as a new hon. Member, to suck eggs. However, we have been discussing the point dealt with in the amendment throughout the passage of the Bill. I appreciate what the Minister is saying—that that is how the system should work. Nevertheless, if there is a problem in Edinburgh with badly drafted legislation, or with a range of other issues, I do not share his confidence that, in practice, those matters will not resurface in this place.

As I wish for such consequences to be minimised, and as I think that amendment No. 7 is innocuous in establishing a procedure that the House could broadly agree with, I commend it to the House. The amendment is not straying too far down the road of fettering procedure, but simply acknowledges the fact that the Edinburgh Parliament will have competence on a range of devolved issues and that it will be unicameral. Therefore, it is desirable that, from the outset, there should be a clear set of guidelines on the consideration of legislation, so that that issue should not thereafter be a contentious one, either within the Edinburgh Parliament, or between the Edinburgh Parliament and this place. That is the purpose of amendment No. 7, which is why the Minister should pay attention to it.

Mr. Salmond: I can describe the speech by the hon. Member for Beaconsfield (Mr. Grieve) only as an "us and them" speech, about what us in this place should prescribe for them in the Scottish Parliament. Perhaps, after the advice of the hon. Member for Linlithgow (Mr. Dalyell), I should be speaking as a thane of Buchan.

The Conservative party is in a state of political schizophrenia. Although there is no cure for schizophrenia, and it is very difficult to diagnose, I have been able to diagnose it in the Conservative party. When I speak to Conservatives in Scotland—in, for example, the Minister's consultative committee—they are enthusiastic, or say that they are, about developing new processes for the new Scottish Parliament, to try to do rather better and to pass less bad legislation than this place has done in the past 20 years or so. However, Conservative Members here seem to have absolutely no awareness of the arguments that have been accepted, and in some cases promulgated, by the Conservative party in Scotland.

Mr. Ancram *rose—*

Mr. Salmond: I give way to the man who piloted through the poll tax.

Mr. Ancram: I am grateful to the hon. Gentleman. He likes polishing that cherry from time to time, but it is getting fairly rotten and will not last much longer. Earlier, I told him that he was not listening to what was said. He is also not reading what is on the amendment paper. He keeps saying that we are proposing the procedures of this place for the Scottish Parliament. If he can tell me where in our procedures there is mention of a three-month period between Committee stage and Report stage, during which interested parties—such as trades unions and businesses—

[Mr. Ancram]

can make representations on legislation, I should be interested to hear it. Such a period is a new idea, which I believe is worthy of consideration for the Scottish Parliament. I am surprised that, whenever any proposal is made by the Conservative party, the hon. Member for Banff and Buchan (Mr. Salmond) seems to become blind and deaf, but, unfortunately, not dumb.

Mr. Salmond: Definitely not dumb; and I am not foolish enough to believe that the poll tax will disappear from the public memory in Scotland as quickly as the right hon. Gentleman hopes. He has missed the point entirely. The point is not whether his ideas in amendment No. 7 are good or bad. The point is that it is not properly the province of this place to dictate any ideas on procedure to the new Scottish Parliament. A steering group, on which the Conservative party is represented, is debating such things.

Mr. Ancram: The provisions are in the Bill.

Mr. Salmond: The provisions are in the Bill in outline form—precisely because the Minister of State is keenly awaiting ideas from the steering group that he has established. The last thing that he needs is to be pre-empted by these foolish and rather ill-thought-through amendments tabled by the Conservative party in this place.

The Minister is anxious to get to his feet, so I shall provide just one example to illustrate my point—not that of the poll tax, but of electricity privatisation. In 1988, I served on the Select Committee—which had a Tory majority—that appealed to Lord Parkinson, the then Secretary of State for Energy, and to Sir Malcolm Rifkind, the then Secretary of State for Scotland, to delay legislation on electricity privatisation to allow an investigative committee to consider the issue. Both Secretaries of State declined that invitation, and, as a result, what the Committee described as "spatchcock legislation" was passed.

The Minister of State has described a framework, and we should support him. We should allow his consultative group to do its work, and not attempt to wreck it with such foolish amendments.

4.30 pm

Mr. McLeish: I shall respond first to my hon. Friend the Member for Linlithgow (Mr. Dalyell), who asked about the council of the isles as a revising chamber. I am not aware of any proposal that the council of the isles should act as a revising chamber instead of the House of Lords.

Although I acknowledge the unicameral nature of the Scottish Parliament and therefore see some of the sense behind the issues proposed by the Opposition Front-Bench team, the Government believe that amendment No. 7 intrudes too far into the legislative processes of the Scottish Parliament. That point has been echoed in the debate.

The amendment would impose requirements that could prove burdensome and unnecessary. It would require all Bills, no matter what their content, to be subject to at least three months of public consultation in the middle of their passage through the Scottish Parliament, unless two thirds of the Parliament voted to provide otherwise. By introducing further stages of detailed scrutiny, it could cause an unacceptable delay in the passage of Bills.

Ultimately, it is for the Parliament to decide on its procedures, including arrangements for the scrutiny of legislation. None the less, the Bill requires the Standing Orders of the Parliament to make provision for three stages of parliamentary scrutiny. These are, first, a general debate on a Bill, with an opportunity for Members to vote on its general principles; secondly, consideration of, and opportunity to vote on, the details of the Bill; and, thirdly, a final stage at which the Bill may be passed or rejected. Those are the minimum stages which must be prescribed in the Bill. Further details should be left for the Scottish Parliament to decide.

The White Paper explains that the Government expect Committees to play an important part in carrying out parliamentary business, and the Scottish Parliament will have power to establish such Committees as it considers appropriate. Ultimately, it will be for the Parliament to decide precisely what role Committees should perform, but we envisage that they could be involved in considering proposals for legislation before the formal legislative process has begun, including, in appropriate circumstances, taking evidence before a Bill is prepared. Their task will be to scrutinise and amend all proposals before the Parliament. Such a role will mean that the Scottish Executive's legislative and other proposals will be appropriately scrutinised before they are enacted.

The all-party consultative steering group on the Scottish Parliament, which has been alluded to, agreed at its first meeting that arrangements for pre-legislative scrutiny should be introduced. The exact form that that might take will be considered carefully in the coming months. With cross-party agreement on the principle of pre-legislative scrutiny, amendment No. 7 becomes redundant. Pre-legislative scrutiny involving interested parties will result in the emergence of a greater consensus on legislation before it is introduced. Therefore, the need for a period of public consultation in the middle of the progress of a Bill through Parliament, as proposed, will not be necessary.

It is useful to stress the work that is being done by the consultative steering group, which involves representatives of all parties, who are all making an excellent contribution. They are aware of the unicameral nature of the Scottish Parliament. They are keen to achieve consensus on legislation. Indeed, they are keen to improve radically on the Westminster model, which is important.

Mr. Owen Paterson (North Shropshire): Can the Minister name any genuine Parliament in the world that does not have a true revising chamber?

Mr. McLeish: I can furnish the hon. Gentleman with details on that question. We are not talking about the nature of a unicameral Parliament per se. We are talking about the right of the Scottish Parliament to decide on its legislative scrutiny and process.

Mr. Bernard Jenkin (North Essex): It is inadequate.

Mr. McLeish: We hear from a sedentary position that that is inadequate. The model that the Scottish Parliament

will adopt will be a huge improvement on the Westminster model. It will involve people and experts, it will aim for consensus and it will ensure that we have the best possible legislation. I ask the House to reject the amendment.

Mr. Ancram: The Minister has answered my point in his own way. He said that there will be pre-legislative scrutiny in the Scottish Parliament. If ever legislation has had pre-legislative scrutiny, it is this Bill. There was a detailed White Paper last summer, a referendum campaign during which the proposals were discussed at length, and a three-month period before the Bill was produced, yet amendment after amendment has been tabled by the Government on Report. If this were a Bill in the Scottish Parliament, it would be too late and there would have to be further legislation. The amendment is much needed, and I ask my hon. Friends to support it.

Question put, That the amendment be made:—

The House divided: Ayes 116, Noes 303.

Division No. 279] **[4.34 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Clappison, James
Clifton-Brown, Geoffrey
Cormack, Sir Patrick
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Fabricant, Michael
Fallon, Michael
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Gale, Roger
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heathcoat-Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Hunter, Andrew
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and
Mr. Oliver Heald.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Austin, John
Baker, Norman
Barnes, Harry
Bayley, Hugh
Beard, Nigel
Benton, Joe
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Byers, Stephen
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Clapham, Michael
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clwyd, Ann
Coaker, Vernon
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbett, Robin
Corston, Ms Jean
Cotter, Brian
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Dafis, Cynog
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Denham, John
Dewar, Rt Hon Donald
Dismore, Andrew
Dobbin, Jim
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gorrie, Donald
Grant, Bernie
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Harvey, Nick
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia

Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keetch, Paul
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Lawrence, Ms Jackie
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Linton, Martin
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McGuire, Mrs Anne
McLeish, Henry
Maclennan, Rt Hon Robert
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Martlew, Eric
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Ptaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salmond, Alex
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Spellar, John
Squire, Ms Rachel
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Stuart, Ms Gisela
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Wallace, James
Ward, Ms Claire
Welsh, Andrew
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. David Clelland and
Mr. Kevin Hughes.

Question accordingly negatived.

Clause 46

JUNIOR SCOTTISH MINISTERS

Mr. McLeish: I beg to move amendment No. 46, in page 20, line 8, at end insert—

'( ) The First Minister shall not seek Her Majesty's approval for any appointment under this section without the agreement of the Parliament.'.

Amendment No. 46 fulfils the commitment that I gave in Committee to my hon. Friend the Member for Falkirk, East (Mr. Connarty), and will provide a role for the Parliament in the appointment of junior Scottish Ministers. That will bring the appointment procedure for junior Ministers into line with that for other Scottish Ministers.

The Bill requires the Parliament to nominate the First Minister, who will be appointed by the Queen on the recommendation of the Presiding Officer. The First Minister will have to obtain the agreement of the Parliament and the approval of Her Majesty before appointing Scottish Ministers, and the amendment provides a similar role for the Parliament in the appointment of junior Scottish Ministers.

Amendment agreed to.

Clause 47

THE CIVIL SERVICE

Mr. McLeish: I beg to move amendment No. 133, in page 20, line 18, leave out from 'appoint' to end of line 19 and insert

'persons to be members of the staff of the Scottish Administration'.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this, it will be convenient to discuss Government amendments Nos. 134 to 136, 146, 235 to 241, 246, 250, 252 to 255, 213, 216 and 217.

Mr. McLeish: The amendments are technical and clarifying—I shall explain them as quickly as possible, as I know that the House has yet to consider other important groups.

Government amendment No. 213 clarifies what is meant by the term "Scottish Administration". Government amendments Nos. 134, 146, 236, 238, 239, 189, 199, 216, 217 and 245 are consequential. The Scottish Administration is an umbrella concept to describe what is, in effect, Her Majesty's Government in Scotland in relation to matters that are not reserved. It is important that the definition is clear—Government amendment No. 213 puts beyond any doubt who belongs to the Scottish Administration.

The Scottish Administration is defined as the office holders in the Scottish Administration and their staff. Office holders in the Scottish Administration are defined as members of the Scottish Executive—that is the First Minister, the Scottish Ministers and the Law Officers—junior Scottish Ministers and holders of non-ministerial offices. Non-ministerial offices are defined as the Registrar-General of Births, Deaths and Marriages for Scotland, the Keeper of the Registers of Scotland, the Keeper of the Records of Scotland and other offices where the holders exercise functions that are conferred by an enactment and who are appointed by a member of the Scottish Executive—for example, the Accountant in Bankruptcy.

The definition of the Scottish Administration can be changed by an Order in Council, which will be subject to parliamentary control by this Parliament and the Scottish Parliament, to take account of any future developments. I urge hon. Members to support these technical but necessary amendments.

Government amendments Nos. 133 and 134 are designed to clarify the Government's policy that staff serving the Scottish Administration will be members of a unified home civil service. Amendment No. 133 makes it clear that Scottish Ministers may appoint not only staff in the Scottish Executive, but other staff of the Scottish Administration. Amendment No. 134 specifies that such staff and non-ministerial office holders of the Scottish Administration will be members of the home civil service.

Government amendment No. 135 is a technical amendment to ensure that Scottish Ministers have the same delegated powers as Ministers of the Crown to deal with superannuation schemes affecting staff of the Scottish Administration. Government amendment No. 136 avoids ambiguity by making it clear that the Act referred to in clause 47(8) is the Civil Service (Management Functions) Act 1992.

Government amendments Nos. 237, 240, 241, 246, 250 and 253 to 255 constitute a technical group designed to ensure that redundant references to Treasury consent and the Secretary of State are removed, and that appropriate powers are transferred to the First Minister and Scottish Ministers.

Government amendments Nos. 240 and 241 clarify that the Secretary of State for Scotland's statutory power to appoint the Keeper of the Records, the Keeper of the Registers and the Registrar-General will transfer to Scottish Ministers. Government amendment No. 246 removes a function of the Secretary of State in relation to schools inspectors that will transfer by administrative action to the First Minister. Government amendment No. 250 clarifies that the Scottish Ministers will appoint the Accountant in Bankruptcy. Government amendment No. 252 makes similar changes in connection with the provision of prison staff.

Government amendments Nos. 253 to 255 are technical amendments to the list of repeals in schedule 8. They are related to the amendments made in schedule 7.

Mr. Jenkin: This group of amendments underlines how fantastically complicated it is to define a civil servant in the Scottish context and to specify which members of staff, who may ultimately be answerable to the Scottish Executive, count as members of the home civil service. Will the Minister say whether the definition of the home civil service is being expanded?

While the hon. Gentleman is thinking about that—it may require some thought—will he also bear in mind the fact that, because this huge raft of amendments, which underlines the scale of the undertaking, has been brought forward at such a late stage, the House will not have the opportunity to consider them in much detail? We shall have to rely on the second Chamber to ensure that the amendments are appropriate. I have a sneaking suspicion that the Government may yet table one or two more amendments—indeed, there may be tens or hundreds of them. There will be pages and pages of changes to the Bill, which we have not been able to perfect in the House of Commons.

Mr. Donald Gorrie (Edinburgh, West): Will the Scottish Parliament be able to introduce a more open ethos in the Scottish civil service than the one that conventionally obtains in the United Kingdom civil service? There has been much talk of the Scottish Parliament operating in a new way and being more open and consensual, so civil servants may have to respond differently. Will the Minister assure the House that they will be able to do so while continuing to be members of the United Kingdom civil service?

Mr. Dalyell: I am not alone in thinking that there is a real problem. Both Sir John Garlick and Sir Michael Quinlan, the civil servants who were brought in last time when such matters were dealt with by the Cabinet Office, expressed their concern at various academic seminars in the 1980s—I suspect that the problem remains—about not only the unity of the British civil service, but who will be the "master" of these civil servants. It is very far from clear whether crucial civil servant appointments will be made by the Cabinet Secretary of the day, the head of the home civil service or the Scottish Executive. I ask for some comment on that.

I do not know whether this is the right opportunity to ask this, but how many junior Ministers will there be, and what will they be paid? Will they be paid along Westminster lines, or is there another idea for payment?

Mr. McLeish: As the hon. Member for North Essex (Mr. Jenkin) said, the Bill is extraordinarily complex—that has become obvious during the eight days in Committee and the three days on Report. However, I think that it is substantially well worked out. As we are talking about civil servants, I should say that they have made an extraordinary contribution of the highest quality to achieve what I believe is our success in moving in 53 weeks from the general election to, I hope, the Bill's Third Reading.

On the specific question posed by the hon. Member for North Essex, the base of the home civil service will not be extended. The matter is being dealt with entirely by transfer from the Scottish Office to the Scottish Executive.

[Mr. McLeish]

On openness, I stress that people who serve the Government are often much maligned. Our experience in government has shown us that openness is not an issue. I believe that there is a consistency of provision throughout the United Kingdom. I have no doubt that, whether the operation is in Scotland, England, Wales or Northern Ireland, we receive a high-quality response. I believe that the civil service will embrace and make an excellent contribution to the new politics in Scotland.

My hon. Friend the Member for Linlithgow (Mr. Dalyell) asked about junior Ministers' pay. The Senior Salaries Review Body must deal with that. We want to generate confidence in Scotland in what we are doing on pay, pensions and conditions.

My right hon. Friend the Secretary of State asked the SSRB to provide guidance, on the basis of its excellent knowledge, on salaries, pensions and conditions for Members of the Scottish Parliament and, indeed, the Scottish Executive. That is absolutely right, because we want to start off on the right footing. I remember the unedifying sight of Members scurrying through the Lobby here to vote on pay rises, conditions and allowances.

With the SSRB report, I hope that my right hon. Friend will be in a position to make judgments for the Scottish Parliament, and that it will proceed quickly to fill in the detail of what is required for the future. There needs to be some objectivity in relation to sensitive issues that can be misconstrued, so Holyrood should not be involved in some of the decisions.

There are often complaints about the number of Government amendments tabled at a late stage, on Report. The complexity of the legislation meant that we could not get the detail right any sooner, but we have made a comprehensive response on the question of the Scottish Administration and its staff. We believe that we have got it right. Although time must tell, we know that there is an excellent civil service in place, and that it will serve the Scottish Parliament well.

5 pm

Mr. Dalyell: There is a critical question as to who makes the decisions. Is it to be an organisation based in Scotland, with its own chief executive, or is it to be the head of the home civil service in London?

Mr. McLeish: The Scottish Executive will be responsible for appointments. That is a reasonable demarcation of responsibilities. What is good and unifying about our approach is that there is a home-based civil service throughout the United Kingdom. That is good for Westminster, for Scotland, and, indeed, for civil servants.

Mr. Grieve: The Minister slightly sidestepped the question about possible changes in the civil service ethos. It was suggested that the ethos in Edinburgh might be different from that in London. If there is a unified home civil service with central control—even if civil servants are working with different masters—there can be no room for a different ethos, because everyone will have to follow the guidelines laid down by the central civil service in London.

Mr. McLeish: That proposition is premised on the assumption that we need to change the ethos. After my first year as a Scottish Office Minister, I am not entirely convinced that that is so. There is a pejorative aspect to the talk of ethos, suggesting that something is substantially wrong, and I do not accept that. No matter where civil servants are working, I am convinced that we will get the same quality of active advice and thorough professionalism.

Amendment agreed to.

Amendments made: No. 134, in page 20, leave out lines 21 to 25 and insert—

'( ) the holder of any office in the Scottish Administration which is not a ministerial office, or

( ) a member of the staff of the Scottish Administration'.

No. 135, in page 20, line 38, at end insert—

'( ) Section 1(2) and (3) of the Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes etc.) shall have effect as if references to a Minister of the Crown (other than the Minister for the Civil Service) included the Scottish Ministers'.

No. 136, in page 21, line 7, leave out 'that Act' and insert

'the Civil Service (Management Functions) Act 1992'.—*[Mr. McLeish.]*

Clause 48

EXERCISE OF FUNCTIONS

Amendment made: No. 137, in page 21, line 29, at end insert—

'( ) In this section, "statutory functions" means functions conferred by virtue of any enactment, including this Act'.—*[Mr. McLeish.]*

Clause 49

GENERAL TRANSFER OF FUNCTIONS

Amendments made: No. 138, in page 21, line 31, leave out

'in or as regards Scotland'

and insert 'within devolved competence'.

No. 139, in page 21, line 36, after 'Crown' insert

'including functions conferred on a Minister of the Crown by a prerogative instrument'.

No. 140, in page 21, line 39, leave out from 'Advocate' to end of line 40.—*[Mr. McLeish.]*

Clause 50

SCOPE OF POWERS TO MAKE SUBORDINATE LEGISLATION, ETC.

Amendments made: No. 141, in page 22, line 3, leave out from beginning to end of line 14 and insert—

'(1) References in this Act to the exercise of a function being within or outside devolved competence are to be read in accordance with this section.

(2) It is outside devolved competence—

(a) to make any provision by subordinate legislation which would be outside the legislative competence of the Parliament if it were included in an Act of the Scottish Parliament, or

(b) to confirm or approve any subordinate legislation containing such provision.

(3) In the case of any function other than a function of making, confirming or approving subordinate legislation, it is outside devolved competence to exercise the function (or exercise it in any way) so far as a provision of an Act of the Scottish Parliament

conferring the function (or, as the case may be, conferring it so as to be exercisable in that way) would be outside the legislative competence of the Parliament'.

No. 142, in page 22, line 15, leave out from 'made' to 'by' in line 16 and insert

'confirmed or approved, or purporting to be made, confirmed or approved'.—*[Mr. McLeish.]*

Clause 52

SHARED POWERS

Amendment made: No. 143, in page 22, line 29, at end insert—

'( ) any Order in Council under section 1 of the United Nations Act 1946 (measures to give effect to Security Council decisions),'.—*[Mr. McLeish.]*

Clause 56

TRANSFERS TO THE SCOTTISH MINISTERS

Amendment made: No. 144, in page 24, line 24, leave out from beginning to 'retained' in line 26 and insert

'within devolved competence, other than'.—*[Mr. McLeish.]*

Clause 59

POWER TO TRANSFER FUNCTIONS

Amendment made: No. 145, in page 25, line 19, leave out 'statutory'.—*[Mr. McLeish.]*

Clause 61

SCOTTISH CONSOLIDATED FUND

Amendment made: No. 146, in page 26, line 17, leave out

'a member of the Scottish Executive'

and insert

'an office-holder in the Scottish Administration'.—*[Mr. McLeish.]*

Mr. McLeish: I beg to move amendment No. 147, in page 26, leave out lines 31 to 32 and insert—

'( ) The Fund shall be held with the Paymaster General.'

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendments Nos. 272, 148, 273 to 279 and 281.

Mr. McLeish: In Committee, I said that I would consider carefully the points made by the right hon. Member for Haltemprice and Howden (Mr. Davis), the Chairman of the Public Accounts Commission, with a view to tabling amendments designed to strengthen the independence of the head of the audit service of the Scottish Parliament, and to provide for the appointment of accounting officers in the Scottish Administration. I hope that amendments Nos. 273, 274 and 278 will fulfil that undertaking.

Amendment No. 273 provides that the independent person who is to undertake, or supervise the undertaking of, audit and related functions will be the Auditor General for Scotland, established by amendment No. 278, which also provides that the Auditor General will be appointed by Her Majesty on the nomination of the Scottish Parliament, and that he or she can be removed from office by her Majesty only after a resolution of the Parliament. Taken together with the existing provision in clause 66(4), these proposals ensure considerable independence and status for the audit service, and provide that its head cannot simply be removed by the Executive.

The second part of amendment No. 274 deals with accounting officers. It provides that Scottish legislation must provide for officials to be designated as answerable to the Scottish Parliament for the expenditure and receipts of each part of the Scottish Administration. Thus, the Parliament and its Committees will have direct access to officials.

The first part of amendment No. 274 clarifies that it is the auditors who must, under Scottish legislation, be given access to documents that they may reasonably require for their functions. The previous drafting was imprecise on that matter.

Mr. Salmond: Can the Minister confirm that he is not suggesting a local authority set-up, with an outside body appointing the auditors, and that the Parliament will look after its financial affairs properly without being overseen by a higher authority, as though it could not be trusted to conduct its affairs efficiently?

Mr. McLeish: Yes, that is the case. The intervention of the Chairman of the Public Accounts Commission highlighted the seriousness with which any parliament must take those issues. The Government considered that the legislation had not treated the matter with the appropriate seriousness, and tabled amendments accordingly.

Amendment No. 147 is essentially technical, designed to make it clear that the Scottish Consolidated Fund will be held with the office of the Paymaster General. The existing provision is misleading, since the office, although it provides payments and receipt services for the Government, does not provide banking services as such.

The new provision makes it clear that the fund will be held as an account with the office of the Paymaster General, ensuring that overnight balances are available to be swept back to the National Loans Fund, thus reducing overall Government borrowing. However, the Scottish Executive will be able to maintain subordinate bank accounts with commercial banks if that makes sense.

Amendment No. 148 is for clarification. It makes it clear that Scottish legislation must provide for persons receiving money directly from the Scottish Consolidated Fund to account for all their expenditure and receipts. That would include receipts obtained by them but not paid into the fund because, for example, Parliament had authorised alternative disposal or accounting under clause 61(4).

Amendment No. 279 inserts a new subsection in clause 66, to ensure that Scottish legislation is not required to make provision for accounts to be prepared by cross-border public authorities, when they are specifically dealt with under clause 84 or another enactment, or generally to impose accounting or auditing requirements when other legislation makes provision for accounting and audit. That is to avoid any clash between clause 66 and such other legislation.

The new subsection also means that Scottish legislation will not have to provide for the Auditor General to audit his own accounts, which would clearly be wrong. It defines two new terms: "parliamentary accounts" and "Scottish legislation", which are used to simplify the drafting.

[Mr. McLeish]

Amendments Nos. 272, 275 to 277, and 281 are consequential on the others and amend references to make use of the new terms "Auditor General for Scotland", "parliamentary accounts" and "Scottish legislation".

Mr. David Davis (Haltemprice and Howden): I thank the Minister for that explanation. Amendments Nos. 278 and 274 implement the concessions that he made in Committee, in response to my proposals to provide better for the Auditor General for Scotland's security of tenure and to provide for accounting officers. The amendments, as he described them, are broadly in line with what I wanted, and I am grateful.

Amendments Nos. 278 and 274 are broadly consistent with the amendments that I originally tabled. Amendment No. 278 goes slightly less far than I had hoped, in that a resolution for the removal of the auditor will not require a Division. That contrasts with the provision for the removal of judges in clause 89, but, for some reason, is in line with that for a dissolution in clause 3.

The Scottish Office view is that the dissolution model is more appropriate for removing the auditor. There is a clear parallel between an independent auditor general and an independent judge, so I think that the judge model is better. It requires a Division, and would not allow an Administration to slip a proposal through Parliament, as we know is possible.

Mr. Dalyell: This question is not meant offensively, but is this also the professional view of the current Comptroller and Auditor General?

Mr. Davis: Indeed. The hon. Gentleman is right: I have discussed the matter with the Comptroller and Auditor General. We agree on all these points. I should like the Minister to say why this approach has been taken. It seems anomalous, and is difficult to understand.

I also raised in Committee the question of a scrutiny committee of the Scottish Parliament, not identical to or with the same name but modeled on, our Public Accounts Committee. Its chairman should come from the Opposition, and certainly not from the Executive or the coalition making up the Executive. That would be an important advantage and addition to the Scottish Parliament. There is no amendment to that effect. I would like to hear what the Minister has to say on that.

The amendments do not address the other financial matters raised in Committee. The result will be inefficient, and probably ambiguous, accountability to Westminster for the funds granted to the Scottish Parliament, with the consequent risk of conflict over those matters.

The principal absences are the UK Parliament's need to know the purposes for which it would be expected to vote money for the Scottish Parliament; the need for the Secretary of State to be properly accountable to this House for the grant of the Scottish Parliament; and the need for the Comptroller and Auditor General to have continuing access in Scotland to provide assurance to the UK Parliament about the spending of UK taxpayers' money.

Amendments were tabled in Committee to protect the rights of this House and of the UK taxpayer. I hope that the House of Lords will revisit those matters and correct them. However, it would be churlish not to thank the Minister for his two concessions. They will be helpful, and are in the interests of the people of Scotland.

Mr. Gorrie: I wish to touch on a point raised by the Chairman of the Public Accounts Committee, the right hon. Member for Haltemprice and Howden (Mr. Davis): the number of Members of the Scottish Parliament necessary to vote for the removal of the auditor general. We have tabled an amendment that the figure for judges should be three quarters. I ask the Minister to consider that three quarters might be more intelligent than two thirds. The whole thing is flexible, but it is likely that the Scottish Parliament will have a coalition Executive. The two, or even three, parties concerned might have two thirds of the votes. There would not be the same defence for the auditor general against the Executive if there was a quarrel.

Mr. David Davis: I agree with the thrust of the hon. Gentleman's argument. The Comptroller and Auditor General for the Westminster Parliament can be removed only by separate votes of each House of Parliament. That is a formidable barrier for a Government wishing to remove an awkward or difficult auditor general—that is, one who is doing his job. I agree that the hurdle should be raised even higher.

Mr. Gorrie: It is important that such officials have security. I was a member of a council that badly sacked its chief executive on the hoof. Three quarters might be safer than two thirds. I notice, in the light of the interest in trade union votes, that, on the same basis, two thirds of Members of Parliament would be required to vote.

5.15 pm

Mr. Dalyell: While there is an important meeting upstairs concerned with trade union recognition and the visit of the Scottish Trades Union Congress, and this is a quiet, gentle debate, these are crucial, not arcane, matters. They go to the heart of responsibility for money.

The reason I interrupted the Chairman of the Public Accounts Committee is that, like my hon. Friend the Minister, I was educated—I choose that word rightly—on the Public Accounts Committee by the Comptroller and Auditor General—in my case, Sir Edmund Compton. The concerns of the Comptroller and Auditor General must be answered. We are operating under a guillotine, but I hope that the other place looks carefully at these matters. Unless they are sorted out, it will lead to endless trouble.

The reason is basic. The subordinate Parliament is part of a unitary state, and is dependent on the overwhelming bulk of its money being raised by the other part of the state. That other part will doubtless be characterised as the parsimonious people in Great George street, or the English Chancellor—one can imagine all the phrases that will be used.

Members of the Scottish Parliament, whatever their personal feelings, will be under pressure to report to this House on how money is used. There will be overwhelming demand for better services, education, health and everything else in Scotland that requires expenditure. The pressure on Members of the Holyrood Parliament to accede to such requests, or at least to say that they are doing their best, will be terrific.

In those circumstances, sooner rather than later, this House will ask those who have departed this House to account for their use of money. I do not suggest that there will be anything corrupt about it, that there will be misappropriations, or that big nanny is needed to look after expenses; it is the politics of the situation. In those circumstances, the position of the Public Accounts Committee is crucial. The other place should explore that.

Mr. Jenkin: I thank the Minister for his concessions to my right hon. Friend the Chairman of the Public Accounts Committee, but I underline what he finished by saying. There is a fundamental imbalance in setting up a Parliament that is not responsible for securing its own revenue. As long as the Scottish Parliament has such extensive reliance for its supply on this House, there will inevitably be tension between it and the Westminster Parliament. As the hon. Member for Linlithgow (Mr. Dalyell) said, that relationship will be difficult to manage politically. The amendments do nothing to resolve that fundamental imbalance.

Mr. McLeish: There is not a fundamental confusion, but a misunderstanding. I agree with the hon. Member for North Essex (Mr. Jenkin) and my hon. Friend the Member for Linlithgow (Mr. Dalyell) that there will be tensions and pressures on public policy on finance. That is the nature of the changes. However, we are discussing how we examine what we are spending, and how to ensure that we have a first-class system for accountability, efficiency and effectiveness, and all the issues of probity.

I shall respond briefly to the Chairman of the Public Accounts Committee. I thought that the possibility of the Auditor General being removed without a Division would be of concern. On a Division, two thirds of the Members would be required to vote in favour. We do not envisage it being a factual proposition that the Executive would try to sneak through, if I may be allowed to use that phrase, a motion late at night, or in any other circumstances to try to achieve that.

On a second, and perhaps more positive, note, a meeting of the all-party consultative steering group yesterday agreed that, as part of the Standing Orders, we might want to identify a few Committees to recommend to the Scottish Parliament, and that one would be the equivalent of the Public Accounts Committee. I hope that that will satisfy the Chairman of the Public Accounts Committee, and ensure that the integrity of the person who chairs such a Committee is beyond doubt.

Clearly we will be expecting a high standard of deliberation. Like my hon. Friend the Member for Linlithgow, I enjoyed my experience on the PAC, and I have no doubt that the quality will be there in Scotland to ensure that we replicate that part of the scrutiny procedure.

Mr. David Davis: Clearly, I welcome—

It being one hour and fifteen minutes after the commencement of proceedings on consideration of the Bill, MR. DEPUTY SPEAKER, *pursuant to the Order [13 January] and the Resolution [12 May], put forthwith the Question already proposed from the Chair.*

Amendment agreed to.

Clause 66

FINANCIAL CONTROL, ACCOUNTS AND AUDIT

Amendments made: No. 272, in page 27, line 37, leave out from beginning to 'shall' and insert 'Scottish legislation'.

No. 148, in page 27, line 41, leave out from 'of' to end of line 42 and insert 'their expenditure and receipts'.

No. 273, in page 28, line 3, leave out

'appointment of an independent person'

and insert 'Auditor General for Scotland'.

No. 274, in page 28, line 6, leave out from 'access' to 'and' in line 7 and insert

'by persons exercising those functions to such documents as they may reasonably require,

( ) for members of the staff of the Scottish Administration designated for the purpose to be answerable to the Parliament in respect of the expenditure and receipts of each part of the Scottish Administration'.

No. 275, in page 28, line 8, leave out from first 'of' to first 'and' in line 9 and insert

'parliamentary accounts and of reports on such accounts'.

No. 276, in page 28, line 13, leave out from 'examining' to end of line and insert 'parliamentary accounts'.

No. 277, in page 28, line 22, leave out 'the rules' and insert 'Scottish legislation'.

No. 278, in page 28, line 26, at end insert—

'( ) There shall be an Auditor General for Scotland who shall be an independent person appointed by Her Majesty on the nomination of the Parliament.

( ) A recommendation shall not be made to Her Majesty for the removal from office of the Auditor General for Scotland unless the Parliament so resolves and, if the resolution is passed on a division, the number of members voting in favour is not less than two-thirds of the total number of seats for members of the Parliament.'

No. 279, in page 28, line 29, at end insert—

'(4A) Subsection (1)(a) does not apply in relation to any cross-border public authority if any enactment not contained in Scottish legislation requires—

(a) the authority to prepare accounts of the expenditure and receipts, or of any part of the expenditure and receipts, of the authority, and

(b) the accounts to be examined, certified and reported on by the Auditor General for Scotland.

(4B) Subsection (2)(b) does not apply to accounts prepared by the Auditor General for Scotland.

(4C) This section does not require Scottish legislation to impose any requirement which is imposed by any enactment not contained in such legislation.

(4D) In this section—

"parliamentary accounts" means the accounts prepared in pursuance of subsection (1)(a) or (b) and the accounts referred to in subsection (4A),

"Scottish legislation" means provision made by or under an Act of the Scottish Parliament'.—*[Mr. McLeish.]*

Clause 69

POWER TO FIX BASIC RATE FOR SCOTTISH TAXPAYERS

Amendment made: No. 47, in page 29, line 34, leave out '1997–98' and insert '1998–99'.—*[Mr. McLeish.]*

Clause 72

CHANGES TO INCOME TAX STRUCTURE

Amendment made: No. 48, in page 32, line 43, leave out '1997–98' and insert '1998–99'.—*[Mr. McLeish.]*

Mr. Deputy Speaker: We now come to amendment No. 22.

Mr. Dalyell: On a point of order, Mr. Deputy Speaker. May I register that it is deeply unsatisfactory that amendments on the reference year for income-tax-varying powers and the restriction on changes to such powers, which are important subjects, have not been discussed because of the time—

Mr. Deputy Speaker: Order. The hon. Gentleman must not use a point of order to put a point of argument. That issue arises throughout a programmed debate.

Clause 76

REMUNERATION OF MEMBERS OF THE PARLIAMENT AND EXECUTIVE

Mr. Laurence Robertson (Tewkesbury): I beg to move amendment No. 22, in page 35, line 24, at beginning insert

'Subject to subsections (6) to (8) below,'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 23, in page 35, line 26, at beginning insert

'Subject to subsections (6) to (8) below,'.

Government amendment No. 151.

No. 21, in page 35, line 46, at end insert—

'(6) The Parliament shall ensure that no salary or allowance paid to a member of the Parliament under subsection (1) shall exceed those for the time being paid to members of the House of the Commons.

(7) The Parliament shall ensure that no salary or allowance paid to the First Minister shall exceed the average salary or allowance for the time being paid to a Secretary of State in the United Kingdom Cabinet.

(8) The Parliament shall ensure that no salary or allowance paid to a member of the Scottish Executive other than the First Minister shall exceed the salary or allowance for the time being paid to a Minister of State in the United Kingdom Government.'.

Government amendment No. 242.

Mr. Robertson: The amendments are intended to ensure that no salary or allowance paid to a Member of the Scottish Parliament shall exceed that paid to a Member of this House; that no salary or allowance paid to the First Minister shall exceed the average paid to a Secretary of State in the United Kingdom Parliament; and that no salary or allowance paid to a Member of the Scottish Executive other than the First Minister shall exceed that paid to a Minister of State in the UK Government.

Those are the details of the amendments. The reasoning behind them is to protect and strengthen the Union; to reflect the fact that the Scottish Parliament is a subordinate legislature; and to recognise that the work and responsibilities of Members of the Scottish Parliament are different from those of Members of this House.

The amendments are in keeping with the precedent set following elections to the European Parliament in 1979. The work load and responsibilities of Members—

Mr. Salmond: If the hon. Gentleman were a time and motion man, and bearing in mind his experience as a constituency Member of Parliament and his knowledge of the functions being devolved to the Scottish Parliament and those being retained by Westminster, could he estimate whether the Member of Parliament in Westminster or the Member in Edinburgh will have the greatest constituency work load?

Mr. Robertson: The hon. Gentleman is either extremely well informed or very unlucky, because I used to be a time and motion person, and I assessed work loads each and every day. If he will allow me to proceed, I will explain my view.

It cannot justifiably be claimed that Members of the Scottish Parliament will have the same work loads, or the same degree of responsibility, as exist in this place. That is especially true of the additional Members, whose presence will reduce the work load and responsibilities of those who represent constituencies. As we heard today, the Government recommend that the two different sorts of Member should be paid the same. Therefore, it is only right that Members of the Scottish Parliament should not receive more pay than Members of this House, and our amendments will ensure that that is the case.

As for the First Minister, I am aware that the Secretary of State for Scotland has his eye on the job, but I am confident that he could survive on a salary of no more than £106,716, which is what he receives as a Cabinet Minister in the United Kingdom Government.

Mr. John M. Taylor (Solihull): I am grateful to my hon. Friend for giving way, as he is doing so well at the Dispatch Box, but I think that I am the only person in the Chamber who has been simultaneously a Member of this Parliament and the European Parliament for 12 months at the whim of the electors. That experience rewarded me with a salary of one and one third. There seems to be some merit in that, and at the very least, it is a precedent.

Mr. Robertson: It is indeed a precedent, and one which I am about to mention.

I do not believe that anyone is suggesting that the pay of the First Minister should exceed the figure I quoted. Our amendments will ensure that it will not.

Under our amendments, Members of the Scottish Executive could receive up to £77,047 in pay. I am equally confident that no one would suggest that, comparably, that would be inadequate. However, there is a deeper point about salaries, which is that the Scottish Parliament is essentially a subordinate Parliament, and therefore it would be very odd indeed to pay its Members more than Members of the supreme and sovereign United Kingdom Parliament.

Our objection to that is not born of greed or resentment, but of a desire to protect the Union. Because the Scottish Parliament is new and people have high hopes of it, there may be a temptation, especially if the Parliament is

dominated by Scottish nationalists, to attempt to enhance its standing. One way to do so would be by paying its Members more than Members of this House receive, which would be an odd and dangerous thing to do.

In those circumstances, the comparable link would be broken, and that would weaken the Union. It is important that the subordinate character of the Scottish Parliament be maintained, and be seen to be maintained, if we are to preserve the Union. Therefore, a cap needs to be applied to what Members of the Scottish Parliament receive, and our amendments would do exactly that.

As my hon. Friend the Member for Solihull (Mr. Taylor) said, there is a precedent, which is the European Assembly (Pay and Pensions) Act 1979. It limits the salaries of Members of the European Parliament to those paid to Members of this House. A Conservative Government passed that Act, but the Labour party supported it. On Second Reading, the then shadow Home Secretary, Merlyn Rees, said:

"I believe that to have paid the new members of the European Assembly higher salaries than those of Members of this Parliament . . . would have been an affront".

He was right, but his reason for taking that view was even more important. He said:

"I agree with the Home Secretary that in no way should the European Assembly detract from the supremacy of this Parliament."—[*Official Report*, 22 June 1979; Vol. 968, c. 1679.]

That is the crucial point. Lord Merlyn-Rees was right for more than just one reason. The fact is that he realised that paying higher salaries to Members of the European Parliament than those paid to Members of this House was objectionable for constitutional reasons. Those same objections exist in the case of a Scottish Parliament. The public tend to place importance on how much people are paid.

Mr. Salmond: The hon. Gentleman rests his case too much on that argument. I once worked for the Royal Bank of Scotland, where, for example, a merchant banker was paid more than the chairman of the bank, although he was a subordinate because of the scale. I am not sure about his argument, but I am sure that, if he is a time and motion man, he must realise that the work load of Members of Parliament here will decrease when the Scottish Parliament is established. On that logical basis, what salary reduction will he suggest, as all the hon. Members here today will not have to do that sort of work in future? Their work loads will decline, and so should their salaries.

Mr. Robertson: We are not certain—because the questions have not yet been answered, we do not know how things will work. We are still searching for an answer to the West Lothian question, so we do not know how the arrangements will work in practice. We shall have to wait and see, but I certainly do not recommend that any Members of this Parliament should have to take any reduction in pay.

Mr. James Gray (North Wiltshire): Does my hon. Friend agree that the only Members of Parliament who will be doing significantly less work are Members representing Scottish constituencies who remain at Westminster? North Wiltshire will still demand the same amount of work, but will representing Banff and Buchan in this place require the same amount of work after the establishment of the new Scottish Parliament?

5.30 pm

Mr. Robertson: The hon. Member for Banff and Buchan (Mr. Salmond) will have a reduced work load; nevertheless, I would not suggest that he should take a lower salary.

The public tend to attach importance to how much people are paid; they tend to judge the worth of persons or organisations on the basis of how much income they receive—perhaps the reason why the public do not value Members of this Parliament highly is that we are inadequately paid, but that is another argument. It is important that Members of the Scottish Parliament do not receive higher salaries than Members of the House of Commons. It is important that the salaries they are paid recognise what I maintain will be a lower work load and less responsibility—*[Interruption.]*

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Gentleman, but I have to tell the hon. Member for Banff and Buchan (Mr. Salmond) that he must not conduct a mini-debate while the main debate is taking place.

Mr. Robertson: Thank you, Mr. Deputy Speaker—the subject is an interesting one.

It is important to preserve the subordinate character of the Scottish Parliament, and to prevent it from becoming a quango that feathers its own nest. It is vital that we preserve the Union, and doing as the amendments propose would be consistent with the precedent set by the European Assembly (Pay and Pensions) Act 1979, to which I referred. Our amendments would achieve all that. They would ensure fairness, and, in doing so, protect the Union. For those reasons, I commend amendments Nos. 22, 23 and 21 to the House.

Mr. Dalyell: In the past five minutes, a whole collective of cats has been let out among the pigeons. Without wishing to talk down to the hon. Member for Tewkesbury (Mr. Robertson), I should warn him not to be naive. He was unfair to the Scottish National party: it is not only the SNP that will take the view he describes, but every Member of the Holyrood Parliament, because it is in the nature of politicians to think that the institution they are in is the important institution. It is not only, or even mainly, a question of financial greed; amour propre will come into it.

If the hon. Gentleman wants an example, I shall give one from my own party. Those who were pro-Europeans listened to Barbara Castle, then the hon. Member for Blackburn, endlessly criticising the Community and the dreadful institution in Strasbourg; but heaven knows, as soon as she herself got there, as Lady Castle of the British delegation, it metamorphosed into a most important institution.

Mr. John M. Taylor: May I remind the hon. Gentleman that Barbara Castle was not just a member of the delegation, but that she was directly elected in 1979?

Mr. Dalyell: We all knew it, very clearly. I say this seriously: it is in the nature of politicians that they will shout for the institution where they themselves happen to be. Do not let us think that it is only the Scottish National party that will do that; it will be every Member of the

[Mr. Dalyell]

Parliament. They will say, "We are doing more work than those people in Westminster." I shall be mildly interested to see what is the reaction, first, of my colleagues who remain at Westminster and, secondly, of my right hon. Friend the Secretary of State and of my hon. Friend the Minister for Home Affairs and Devolution, both of whom will by that time be Members of another body, because position in that body will have a marvellous way of changing attitudes.

Mr. McLeish: It is instructive to note that today's Scottish edition of the *Daily Express* contains the following:

"Scottish Conservatives spokesman Paul Cullen"—

who is a member of the consultative steering group—

"said that if Holyrood was to be taken seriously then salaries had to be comparable with the current Westminster level.

'It would be undesirable to create a two-tier system of MSPs,' he insisted."

The Government are attempting to set an objective basis for deliberations on this matter, which is why my right hon. Friend the Secretary of State wrote to the chairman of the Senior Salaries Review Body on 25 March asking him to consider and make recommendations regarding salaries, allowances and pensions benefits which would be payable to Members of the Scottish Parliament and the Scottish Executive.

In that context, it is unreasonable to lay down in the Bill limitations on the levels of salaries and allowances which the Scottish Parliament can set for its Members, the First Minister or other members of the Scottish Executive, so we strongly resist the amendments. Much of this debate was not about salaries, allowances or pensions, but old Conservatives expressing old prejudices about subordinate Parliaments. That is not the spirit in which we have to move forward.

In the short time left, I commend Government amendments Nos. 151 and 242 to the House.

It being one hour and thirty minutes after the commencement of proceedings on consideration of the Bill, MR. DEPUTY SPEAKER, *pursuant to the Order [13 January] and the Resolution [12 May], put forthwith the Question already proposed from the Chair.*

Question put, That the amendment be made:—

The House divided: Ayes 121, Noes 308.

Division No. 280] **[5.35 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clifton-Brown, Geoffrey
Collins, Tim
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Spelman, Mrs Caroline
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and
Mr. Oliver Heald.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Austin, John
Baker, Norman
Banks, Tony
Barnes, Harry
Bayley, Hugh
Beard, Nigel
Bell, Martin *(Tatton)*
Benton, Joe
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Caplin, Ivor
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Clapham, Michael
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*

Clarke, Rt Hon Tom *(Coatbridge)*
Clwyd, Ann
Coaker, Vernon
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbett, Robin
Corston, Ms Jean
Cotter, Brian
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Cunningham, Ms Roseanna *(Perth)*
Dafis, Cynog
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Denham, John
Dewar, Rt Hon Donald
Dismore, Andrew
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galbraith, Sam
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gorrie, Donald
Grant, Bernie
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Lawrence, Ms Jackie
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McLeish, Henry
Maclennan, Rt Hon Robert
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Martlew, Eric
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salmond, Alex
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Sir Robert *(W Ab'd'rns)*
Snape, Peter
Soley, Clive
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Welsh, Andrew
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Jon Owen Jones and
Mr. David Clelland.

Question accordingly negatived.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Amendments made: No. 151, in page 35, line 32, leave out 'or other place' and insert 'employment or other post'.

No. 49, in page 35, line 43, leave out 'addressed to' and insert 'conferring functions on' .—*[Mr. McFall.]*

Clause 83

CROSS-ORDER PUBLIC BODIES: INITIAL STATUS

Amendments made: No. 152, in page 38, line 16, leave out 'body' and insert 'authority'.

No. 153, in page 38, line 16, at end insert

'; and sections 105, 106 and 107 shall not apply in relation to any function of such an authority.'.

No. 154, in page 38, line 18, leave out 'body' and insert 'authority'.

No. 155, in page 38, leave out line 19.

No. 156, in page 38, line 20, leave out from 'to' to 'concerned' in line 22 and insert

'any appointment or removal of the cross-border public authority concerned or of any members or office-holders of the cross-border public authority'.

No. 157, in page 38, line 23, leave out from 'might' to end of line 24 and insert

'affect Scotland otherwise than wholly in relation to reserved matters.'

No. 158, in page 38, line 25, leave out 'body' and insert 'authority'.

No. 159, in page 38, line 26, after 'enactment' insert 'or a prerogative instrument'.

No. 160, in page 38, line 27, leave out 'body' and insert 'authority'.

No. 161, in page 38, line 29, leave out 'subordinate legislation' and insert 'Order in Council'.

No. 162, in page 38, line 31, leave out from 'public' to 'do' in line 35 and insert

'authority" means any body, government department, office or office-holder specified in an Order in Council made by Her Majesty under this section.

(5A) Such an Order may only specify a body, government department, office or office-holder which (at the time when the Order is made) has, in addition to other functions, functions which are exercisable in or as regards Scotland and'.

No. 163, in page 38, line 36, after 'section' insert '—

"office-holder" includes employee or other post-holder, and'.—*[Mr. McFall.]*

Clause 84

POWER TO ADAPT CROSS-BORDER PUBLIC BODIES

Amendments made: No. 164, in page 38, line 37, leave out from beginning to end of line 38 and insert—

'( ) Her Majesty may by Order in Council make such provision in relation to a cross-border public authority as She considers necessary or expedient in consequence of this Act.

( ) Such provision may, in particular, include provision—

( ) modifying the functions of a cross-border public authority or of a Minister of the Crown in relation to such an authority,

( ) modifying the constitution (if any) of a cross-border public authority,

( ) modifying the application of section 83(2) or (3),'.

No. 165, in page 38, line 39, leave out from beginning to end of line and insert

'for any function to be exercisable'.

No. 166, in page 38, line 41, leave out first 'or by' and insert 'concurrently with'.

No. 167, in page 39, leave out line 1.

No. 168, in page 39, leave out lines 12 to 14.

No. 169, in page 39, line 15, leave out

'subordinate legislation shall be made'

and insert

'recommendation shall be made to Her Majesty in Council to make an Order'.

No. 170, in page 39, line 16, leave out 'body' and insert 'authority'.—*[Mr. McFall.]*

Clause 85

POWER TO TRANSFER PROPERTY OF CROSS-BORDER PUBLIC BODIES

Amendments made: No. 171, in page 39, line 18, leave out 'body' and insert 'authority'.

No. 172, in page 39, line 20, leave out 'Subordinate legislation may' and insert

'Her Majesty may by Order in Council'.

No. 173, in page 39, line 23, leave out

'the person making the legislation'

and insert 'Her Majesty'.

No. 174, in page 39, line 27, leave out 'body' and insert 'authority'.

No. 175, in page 39, line 27, leave out

'the person making the legislation'

and insert 'Her Majesty'.

No. 176, in page 39, line 34, leave out 'Subordinate legislation may' and insert

'Her Majesty may by Order in Council'.

No. 177, in page 39, line 35, leave out 'body' and insert 'authority'.

No. 178, in page 39, line 36, leave out

'the person making the legislation'

and insert 'Her Majesty'.

No. 179, in page 39, line 39, leave out

'subordinate legislation shall be made'

and insert

'recommendation shall be made to Her Majesty in Council to make an Order'.

No. 180, in page 39, line 40, leave out 'body' and insert 'authority'.—*[Mr. McFall.]*

Clause 86

MALADMINISTRATION

Mr. McLeish: I beg to move amendment No. 181, in page 40, line 1, leave out from beginning to end of line 3 and insert

'any other office-holder in the Scottish Administration.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendment No. 182.

Mr. McLeish: Clause 86 places a duty on the Parliament to make provision for the investigation of certain complaints of maladministration made to Members of the Scottish Parliament. At present, the clause refers to members of the Scottish Executive and certain other members of the Scottish Administration. Government amendment No. 181 clarifies that, in addition to members of the Scottish Executive, all other office holders in the

Scottish Administration come within the scope of the Parliament's duty. That amendment is linked to other Government amendments concerning what is meant by "the Scottish Administration".

The present clause sets out what the Parliament must do. I am certain that the Parliament will want to consider what additional provision concerning the investigation of maladministration it will wish to make. Government amendment No. 182 is intended to ensure that the Parliament is able to do so. It is intended that the Parliament will be able to make arrangements for the investigation of complaints of maladministration against all members of the Scottish Administration, and Scottish public authorities, including local authorities and the health service. It is also intended that it will be able to make provision regarding cross-border public authorities where the complaints are about non-reserved matters concerning Scotland. I urge right hon. and hon. Members to accept the amendments.

Mr. Jenkin: I thank the Minister for introducing amendments that go some way to allaying concerns expressed in Committee. We welcome them.

Amendment agreed to.

Amendment made: No. 182, in page 40, line 8, at end insert—

'( ) The Parliament may make provision for the investigation of complaints in respect of—

(a) any action taken by or on behalf of an office-holder in the Scottish Administration,

(b) any action taken by or on behalf of a Scottish public authority to which paragraph 1A or 1B of Part III of Schedule 5 to this Act applies, or

(c) any action concerning Scotland and not relating to reserved matters which is taken by or on behalf of a cross-border public authority.'.—*[Mr. McLeish.]*

Clause 89

APPOINTMENT AND REMOVAL OF JUDGES

Mr. McLeish: I beg to move amendment No. 50, in page 41, line 3, at end insert—

'( ) Before making such a nomination the First Minister shall consult the Lord President and the Lord Justice Clerk (unless, in either case, the office is vacant).'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following: Government amendments Nos. 51 to 55.

Amendment No. 74, in page 41, line 14, leave out 'two-thirds' and insert 'three-quarters'.

Government amendments Nos. 56 and 57.

Mr. McLeish: The amendments to clause 89, and the linked amendment to schedule 7, concern the Scottish Land Court Act 1993, and have been tabled by the Government in response to points made by hon. Members in Committee about provisions relating to the appointment and removal of judges. Amendments Nos. 50 to 52 and No. 57 deal with appointment issues.

Amendment No. 50 will require the First Minister to consult the Lord President of the Court of Session and the Lord Justice Clerk, where available, before making a nomination to the Prime Minister for an appointment to either of those senior posts when a vacancy arises.

Amendment No. 51 similarly requires that the First Minister should consult the Lord President before making a recommendation to the Queen for the appointment of any other judge of the Court of Session or any sheriff principal or sheriff. Amendment No. 52 will oblige the First Minister to comply with any requirement relating to appointment matters which may be imposed by virtue of an enactment, including an Act of the Scottish Parliament. The amendment acknowledges that the Scottish Parliament would be competent, should it so wish, to impose other requirements on the First Minister, such as consideration of judicial nominations put forward by the judicial appointments committee. I should, however, make it clear that the First Minister would retain ultimate responsibility for making nominations or recommendations and for consulting the Lord President and the Lord Justice Clerk, where appropriate.

Amendment No. 57 makes it clear that the First Minister will take over the responsibilities of the Secretary of State for recommending to Her Majesty the appointment of any person as a member of the Scottish Land Court. It requires the First Minister to consult the Lord President of the Court of Session before recommending anyone for appointment to the post of chairman of the Scottish Land Court.

Mr. Ancram: I have a general inquiry. Have the Minister or his right hon. Friend had discussions with the Scottish judiciary about these proposals; and, if so, is it generally happy with them?

Mr. McLeish: I can say yes to that valid question.

Mr. Wallace: I have another general inquiry; if the Minister cannot answer straight away, perhaps he will write to me. Given that provision has been made for the chairman of the Land Court, what is the position regarding the appointment of Lords of Appeal in Ordinary from the Scottish Bench?

Mr. McLeish: I shall be moving on to that point later.

Amendments Nos. 53 to 56 deal with provisions on removal from office that are contained in clause 89. Amendment No. 53 adds the office of chairman of the Scottish Land Court to those posts to which the provisions on removal of judges will apply. That simply reflects the chairman's equivalent status to that of a judge of the Court of Session.

Amendment No. 54 provides that the Scottish Parliament will be asked to vote on a motion for removal of a judge in which the First Minister will be required to specify the ground of unfitness for office which he considers to merit that exceptional action, which touches on the point made by my hon. Friend the Member for Linlithgow (Mr. Dalyell).

Amendment No. 55 is a minor technical amendment which substitutes the word "motion" for "resolution", reflecting the wording of amendment No. 54.

[Mr. McLeish]

Finally, amendment No. 56 will require the First Minister, before making a motion for removal, to be satisfied that the judge in question is unfit for office by reason of inability, neglect of duty or misbehaviour.

Mr. Dalyell: Perhaps this is little more than a drafting point, but it would be a calamity if it ever arose. I gather that the Lords of Appeal in Ordinary are not covered. Is that an oversight?

Mr. McLeish: I will clarify that point and convey the clarification to my hon. Friend.

The wording of amendment No. 56 follows closely that of section 12 of the Sheriff Courts (Scotland) Act 1971 which deals with removal of sheriffs and sheriffs principal. The second part of amendment No. 56 places a requirement on the First Minister to consult the Prime Minister before bringing a motion for removal of the Lord President or Lord Justice Clerk. The provision reflects the important role that the Prime Minister plays in recommending an appointment to those two most senior posts.

I believe that the amendments strike an appropriate balance between the responsibilities of Parliament and the First Minister, and the independence of the judiciary. They provide a statutory safeguard, which the senior judiciary sought, in place of the informal arrangements currently enjoyed, for consultation with them on judicial appointments at the levels of the supreme court and shrieval benches. I hope this will meet with general approval; we have tried to take on board points made from all sides. I commend the amendments to the House.

Mr. Jenkin: We appreciate the efforts that the Minister has made to accommodate concerns expressed in Committee and elsewhere about the arrangements for the appointment and removal of judges. We stress that the real test of the provisions will come in the other place where more experts with judicial experience are available to raise concerns. We welcome the amendments as far as they go, but look forward to hearing what the other place may have to say.

Mr. Menzies Campbell (North-East Fife): Perhaps I ought to declare an interest as an occasionally practising member of the Faculty of Advocates.

The amendments represent a substantial improvement, and the Government are to be commended for that. It seems right that the sort of difficulties that the Secretary of State and the Lord President and Lord Justice Clerk faced in relation to the case of Sheriff Ewan Stewart ought, as far as possible, to be eliminated by making more precise the grounds on which a motion may be made to seek dismissal of a judge. Those who have studied the report of that case, which went all the way to the House of Lords and was heard by several Lords of Appeal in Ordinary—I shall return to them shortly—will be aware that interpretation of certain provisions was required before a clear indication could be given of the basis on which, in that case, the removal from office of Sheriff Stewart was sought. To that extent, the amendments represent a substantial improvement.

I shall deal with the question of Lords of Appeal in Ordinary. There is always some confusion: a judge sitting in the outer house of the Court of Session is a lord ordinary, whereas a judge who sits as part of the Judicial Committee of the Privy Council is a Lord of Appeal in Ordinary. As I understand it, there is provision for a number of Lords of Appeal in Ordinary, but by convention, two are judges from Scotland, with Scottish experience. I do not believe—I am open to correction—that there is any statutory minimum number of such judges.

The point made by the hon. Member for Linlithgow (Mr. Dalyell) was that the Bill's provisions do not apply to those judges who go from Scotland to become members of the Judicial Committee of the Privy Council. That is entirely appropriate, because the Bill includes a scheme to devolve responsibility for those parts of the judicial system that operate in Scotland. It does not seem incongruous or illogical that the Lords of Appeal in Ordinary should not be subject to the provisions.

Mr. McLeish: Not being a member of the legal profession has its drawbacks, but help is always on hand. With reference to the points made by the hon. and learned Gentleman and also by my hon. Friend the Member for Linlithgow, the Bill contains no provision relating to the appointment of those Lords. They are appointed by the Queen, and that will continue.

6 pm

Mr. Campbell: On that footing, it would have been illogical for any reference to be made to the Lords of Appeal in Ordinary in a Bill the scheme of which is to devolve to a Scottish Parliament those parts of Scottish justice that are conducted in Scotland. In that sense, the Government's position is entirely logical.

I shall take the opportunity to speak to amendment No. 74, which seeks to introduce a majority of three quarters of the legislature for the motion for a removal of a judge to take effect. We discussed the matter to some extent in Committee, and it may help if I explain why raising the threshold from 66.6 to 75 per cent. is justifiable.

First, as has already been intimated in at least one intervention, the removal of a judge is an extremely serious business. By tradition, judges held office ad vitam aut culpam—that is, they kept office for as long as they lived or unless they were guilty of some very considerable indiscipline. The independence of the judiciary is an important part of our constitutional arrangements. Therefore, if we introduce a provision that may encroach on the independence of the judiciary, we must be satisfied that it provides adequate protection.

Secondly, if we have a Parliament elected by proportional representation—the Minister will not be surprised to hear that I heartily approve of that part of the Bill—it is not difficult to envisage circumstances in which the Administration is formed by two parties that achieve 66.6 per cent. of the vote, which means that the Administration would have within their power the right to bring about the dismissal of a judge. That does not provide adequate protection. However, it is difficult to envisage an Administration getting as much as 75 per cent. of the membership of the Scottish Parliament. That provides an additional protection.

There is now a far greater certainty, from the point of view of the Administration, as the grounds of unfitness for office are spelt out in much more detail than previously. Given that higher degree of specification, and as part of the balance necessary in such a matter, it is reasonable to make the hurdle that must be crossed before a judge may be dismissed from office rather higher than the Government propose.

Mr. Jenkin: As a matter of interest, if the Scottish Parliament abused its powers in the way that the hon. and learned Gentleman envisages, would it be appropriate for the Westminster Parliament to intervene?

Mr. Campbell: It would be appropriate in statutory terms, but intervention on such an issue would raise some very difficult questions where the devolving of responsibility for the administration of justice in Scotland was so all-embracing. If there was an intervention of the kind postulated in the question, the consequence would be some degree of political disturbance. It would be much better to avoid such issues by creating a threshold sufficiently high as to require that three quarters of the legislature indicate their assent to the serious matter of the removal of a judge from office through unfitness.

As far as I can remember—the Scottish Office records may go much further back than my memory—Sheriff Ewan Stewart is the only judge to have been removed from office since 1945, and possibly for a considerably longer period than that, which shows how rare such occurrences are. We are endeavouring to find a proper balance between the right of the legislature to ensure that there are proper standards of competence and ability on the Bench, and the traditional independence of the judiciary which, like many other parts of our constitution, is unwritten, but which none the less forms an important part of the checks and balances that are essential to our constitution. For that reason, my hon. Friends and I believe that the amendment is at least worthy of consideration. I hope that the Minister will be able to accept it.

Mr. Dalyell: The last time that I raised the subject of Lords of Appeal in Ordinary was during an Adjournment debate on Lockerbie. I requested that the evidence that the Crown Office purports to have in relation to Lockerbie should at least be seen by the Lords of Appeal in Ordinary. The Minister replied that the evidence could not be shown to "sundry third parties". I am not sure that Lord Hope and Lord Clyde enjoyed being so described. However, on this occasion, in relation to the Lords of Appeal in Ordinary, I am satisfied with the answer and believe that it is logical.

Mr. Edward Garnier (Harborough): I intervene in the debate with considerable diffidence. Although I am a lawyer, I am very much an English rather than a Scottish lawyer. I hope that those who know more about the subject will forgive me if I wander into error.

Government amendment No. 52 states:

"The First Minister shall comply with any requirement. . . imposed by virtue of any enactment."

Can the Minister explain what that is supposed to mean?

I fully agree—again, with diffidence—with the hon. and learned Member for North-East Fife (Mr. Campbell) in his description of the role of what I would call Law Lords, to avoid confusion—that is, Lords of Appeal in Ordinary who sit here. They are United Kingdom judges and therefore should be outside the ambit of any Scottish legislation.

Those who sit on the Judicial Committee of the Privy Council are not just United Kingdom judges, as they include the noble and learned Lord Cooke, a former senior judge from New Zealand who sits on the Judicial Committee as a life peer and a peer of the realm. I believe that Northern Ireland judges have also been promoted to the Judicial Committee. We should not think of the House of Lords in its judicial capacity in any other way than in its United Kingdom role. I agree with the hon. and learned Gentleman on that point.

I query the thrust of the Liberal Democrats' amendment on the matter of two thirds or three quarters. With proportional representation, it is likely to be difficult for any one party—although I accept the hon. and learned Gentleman's point about a group of parties—to command even two thirds of the total number of seats in the Scottish Parliament. It will be almost impossible for a coherent group to command three quarters of the seats—although I may be proved wrong on both points.

I agree with the hon. and learned Gentleman that a judge could—I hope that I shall be forgiven for such a colloquialism—get up the nose of the Scottish Parliament or of a large part of it for having done something that the Parliament considers politically unacceptable. I recall some of the decisions made by English judges over the past 10 or so years that offended the trade unions. The judges were interpreting the law of England, as passed by the House, whether we like it or not.

I fear that a Scottish judge, carrying out the law of the United Kingdom Parliament or of the Scottish Parliament, might upset a majority, which goes after him for purely political reasons. I accept the hon. and learned Gentleman's point, but it is a nice judgment. Where the line should be drawn is a matter of debate and opinion, which we may not be able to resolve this evening.

Mr. Menzies Campbell: The hon. and learned Gentleman might like to consider another instance. If it was believed that a particular judge was being unduly lenient in respect of a certain class of criminal cases that appeared before him, it could create an atmosphere—led by a prurient press—in which that judge would come under scrutiny. In addition, a judge who appeared to be more willing than others to grant applications for judicial review—accepting that there had been an abuse of discretion by Ministers—might find himself in similar circumstances.

Mr. Garnier: Those points are perfectly good. We can only hope, as the hon. Member for Linlithgow (Mr. Dalyell) said, that we never have to worry about that. The hon. and learned Member for North-East Fife is correct: one Scottish sheriff in living memory has been removed from his post. I do not think that the equivalent of a High Court judge has ever been removed—although in the not-too-distant past one judge jumped before he was pushed; but let us draw a veil over that.

There appears to be some sort of a muddle. Clause 89 of the Bill as drafted, and as it is proposed it should be amended, grants the First Minister and the Scottish Parliament powers over the removal and appointment of

[Mr. Garnier]

judges, from the highest to the lowest, within the Scottish judicial system. I refer hon. Members to page 77 of the Bill and to head 11 of schedule 5 dealing with judicial remuneration. Unless I have wholly misunderstood the position, judicial remuneration is reserved for the United Kingdom Parliament. If the Scottish Parliament is able to remove judges, why is it not allowed to decide on the level of pay for judges? Does the Minister believe that there is any inconsistency in that position?

Mr. Grieve: I have only one question. I find it difficult to understand amendment No. 56 in so far as it refers to the Lord President and the Lord Justice Clerk. If the appointments continue to be made on the recommendation of the Prime Minister, does it not constitute a reserved matter? In those circumstances, how can a motion by the Scottish Parliament affect the Prime Minister in the discharge of his functions? That matter, if it rests with the Prime Minister, must be the responsibility of this House. I should be grateful if the Minister would answer that question. The amendment does not tally with the original wording of clause 89, which makes it clear that it is a reserved matter.

Mr. McLeish: I shall take the latter point first. There is no confusion about that matter. The essential prerequisite is the role of the Prime Minister in making those recommendations. The points that I have made in relation to amendment No. 56 are very straightforward, and there is no conflict or inconsistency inherent in them. Similarly, the satisfactory way of dealing with the question of judges' remuneration is as the hon. and learned Member for Harborough (Mr. Garnier) describes. It is a question of striking a balance in relation to both issues.

Mr. Grieve: I confess that I still do not understand—it may be a failing on my part. If the Prime Minister may recommend that a judge should be removed from office, should not the House—the Prime Minister will certainly not be answerable to the Scottish Parliament—scrutinise that decision and approve or disapprove of it? I do not see how that can be done on the recommendation of the First Minister through the Scottish Parliament.

Mr. McLeish: Amendment No. 56 places a requirement on the First Minister to consult the Prime Minister before bringing a motion for the removal of the Lord President or the Lord Justice Clerk—it is not a question of wider removals. As I said before, this provision measures the important role of the Prime Minister. The Prime Minister is taking an executive role and it is not an issue for the Westminster Parliament.

Mr. Menzies Campbell: It is an executive appointment.

Mr. McLeish: That is correct.

Mr. Grieve: It may be an executive appointment, but the executive roles of the Prime Minister are subject to the scrutiny of the House. How can the Prime Minister exercise an executive capacity over which the House has no power of scrutiny? We have that power now if we wish to exercise it.

6.15 pm

Mr. McLeish: The point has not been well made in that it is a tradition of the House as part of the devolution settlement. We shall continue with what works. It is absolutely right—this is a matter for the judiciary as well as for us, and there is agreement on it—that the Prime Minister should continue to recommend appointments. The proper process in the amendments reflects much constructive discussion and many suggestions made by the House. The Government see no particular dilemma in that.

The other point concerns amendment No. 52 and the question of enactments. The hon. and learned Member for Harborough (Mr. Garnier) seemed a little confused about that. It provides an opportunity for a judicial appointments committee, for example, to be established—it is nothing more sinister than that. It obliges the First Minister to comply with any requirement relating to appointment matters. That opens up the possibility that the Scottish Parliament could take a decision that will establish a judicial appointments committee within the Parliament to reflect what was said by Liberal Members and also to take cognisance of the fact that the situation surrounding appointments to the judiciary may change in the future. It allows the Parliament that facility.

Mr. Garnier: I am grateful to the Minister for explaining that point. It is now quite clear—although it appeared confusing on the amendment paper. The Minister said a moment ago that the inconsistency between remuneration in section 1, head 11 of schedule 5 and the amendments and main drafting of clause 89 was satisfactory. Will he explain why he thinks that is so?

Mr. McLeish: The Government believe that, given the Government amendments, we now have a balanced package in place. There is consistency between the two different interpretations. As always in these situations, I am happy to reconfirm that and I shall write to the hon. and learned Gentleman about that point. The Government believe that there is no inconsistency. This is a straightforward measure and each part of the Bill is consistent with that objective. We have no difficulty with it.

Amendment No. 74 is similar to the amendment tabled by my hon. Friend the Member for Linlithgow (Mr. Dalyell) in Committee. As I said then, the proportion of two thirds suggested in the clause as it stands already represents a very high threshold required to vote in favour of any resolution—particularly having regard to the fact that it is not just two thirds of those voting, but two thirds of the total number of Members of the Scottish Parliament. In proposing that figure, the Government—and I in particular—have recognised the seriousness of the act of removing one of Her Majesty's judges from his post. That is why we have not proposed a simple majority in the normal way, but instead will require that a significant number of Members of the Scottish Parliament should be satisfied that the Government's actions are justified and appropriate.

I agree with the hon. and learned Member for North-East Fife (Mr. Campbell) that it is a question of balance. The Government believe that we have struck the right balance. It is a serious issue—I hope that my comments reflect that fact—and, on that basis, I ask the hon. and learned Gentleman not to press his amendment.

Amendment agreed to.

Amendments made: No. 51, in page 41, line 4, after 'Minister', insert

', after consulting the Lord President,'.

No. 52, in page 41, line 8, at end insert—

'( ) The First Minister shall comply with any requirement in relation to—

(a) a nomination under subsection (2), or

(b) a recommendation under subsection (3),

imposed by virtue of any enactment.'.

No. 53, in page 41, line 9, after 'Session', insert

'and the Chairman of the Scottish Land Court'.

No. 54, in page 41, leave out from beginning of line 12 to first 'the' in line 13 and insert—

'(a) the Parliament, on a motion made by the First Minister and specifying the particular ground of unfitness, resolves that such a recommendation should be made on that ground, and

(b)'.

No. 55, in page 41, line 13, leave out 'resolution' and insert 'motion'.

No. 56, in page 41, line 15, at end insert—

'( ) The First Minister shall not make a motion under subsection (5) unless—

(a) he is satisfied that the person in question is unfit for office by reason of inability, neglect of duty or misbehaviour, and

(b) where the person in question is the Lord President or the Lord Justice Clerk, he has consulted the Prime Minister.'.—*[Mr. McFall.]*

Clause 93

POWERS OF COURTS OR TRIBUNALS TO VARY RETROSPECTIVE DECISIONS

Mr. Jenkin: I beg to move amendment No. 24, in page 42, line 2, after first 'to', insert

'the protocol of relevant considerations and to'.

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 60, in page 42, line 4, at end insert—

'(3A) In subsection (3), "protocol of relevant considerations" means a list of matters to which the court or tribunal is to have regard in exercising its powers under this section.

(3B) The protocol of relevant considerations shall be drawn up by the Secretary of State, after he has first consulted such representatives of the judiciary and others as appear to him to be appropriate.

(3C) The protocol mentioned in subsection (3B) shall not enter into force unless an Order containing it has been laid before, and approved by a resolution of, both House of Parliament and the Scottish Parliament.'.

Mr. Jenkin: As we near the end of this marathon process, it distresses me that we have such a short time in which to deal with the issue of retrospection, which we have not had the opportunity to discuss before now. Clause 93(2) says that, in deciding a devolution issue—that is, the vires of the Scottish or Westminster Parliaments—the

"court or tribunal may make an order removing or limiting any retrospective effect of the decision".

Suppose that a sheep farmer in the west of Scotland decides that he is eligible for a grant. The Scottish Office denies it him on the ground that it is beyond the scope of the Parliament's powers to award it—perhaps it is a European Community grant. The matter eventually goes to the highest court and that court decides in the farmer's favour. The decision may have taken many years to reach, and the resulting expenditure would be expensive for the Government, not only because of the individual concerned, but because lots of individuals might be in a similar position. The farmer having won his case, the court could decide to limit or to remove the retrospective effect and decide not to pay out any money to give the Government time to change the rules so that the grant should not be payable.

That is fundamentally a political matter. Our amendment would allow the Secretary of State to draw up criteria by which such essentially political and subjective judgments should be made. What are the relevant considerations that a court should apply, as no legal text or guidance is available to help any court to decide what to do under such circumstances?

It being two hours and fifteen minutes after the commencement of proceedings on consideration of the Bill, MR. DEPUTY SPEAKER, *pursuant to the Order [13 January] and the Resolution [12 May], put forthwith the Questions necessary for the disposal of proceedings to be concluded at that hour.*

Clause 96

POWER TO MAKE PROVISION CONSEQUENTIAL ON THIS ACT

Amendment made: No. 183, in page 43, line 2, after 'enactment' insert

'prerogative instrument or other document'.—*[Mr. McFall.]*

Clause 97

POWER TO ADAPT CERTAIN MINISTERIAL AND OTHER FUNCTIONS

Amendments made: No. 184, in page 43, line 9, after 'which' insert '—(a)'.

No. 185, in page 43, line 10, at end insert

', or

( ) is not otherwise exercisable separately within devolved competence to be so exercisable.'.

No. 186, in page 43, leave out lines 11 to 18.—*[Mr. McFall.]*

Clause 100

SUBORDINATE LEGISLATION: GENERAL

Amendments made: No. 258, in page 44, line 18, at end insert—

'( ) An Order in Council made under section 29—

(a) may modify any enactment, prerogative instrument or other document and any provision made by or under this Act, and

(b) in relation to any matter which by virtue of the Order becomes a reserved matter, may provide for any Act of the Scottish Parliament or subordinate legislation made, confirmed or approved by a member of the Scottish Executive to continue to have effect despite the Order'.

No. 259, in page 44, line 20, after '5)' insert 'prerogative'.

[Mr. Jenkin]

No. 260, in page 44, line 21, leave out 'to 99' and insert

', 96, 97, *(Agreed re-distribution of transferred functions)*, 98, 99 and 114(3)'.

No. 261, in page 44, line 22, at end insert—

'( ) Subordinate legislation made by virtue of section 103(2)(c) may modify any enactment, prerogative instrument or other document'.

No. 187, in page 44, line 24, at end insert—

'( ) Subordinate legislation under this Act shall not create any criminal offence punishable—

(a) on summary conviction, with imprisonment for a period exceeding three months or with a fine exceeding the amount specified as level 5 on the standard scale,

(b) on conviction on indictment, with a period of imprisonment exceeding two years.'.

No. 188, in page 44, line 30, at end insert—

'( ) Any power to make subordinate legislation conferred by this Act is without prejudice to any other power so conferred.'.—*[Mr. McFall.]*

Clause 101

SUBORDINATE LEGISLATION: PROCEDURE

Amendments made: No. 262, in page 44, line 33, after '97,' insert

'*(Agreed re-distribution of transferred functions)*,'.

No. 263, in page 44, line 40, after '59' insert

', *(Agreed re-distribution of transferred functions)*'.

No. 189, in page 45, line 23, leave out 'and 103(8)' and insert '103(8), 111(5C) and 114(3)'.

No. 280, in page 45, line 24, leave out 'paragraph 2' and insert 'paragraphs 2 and 7'.

No. 190, in page 45, line 35, leave out 'and 85' and insert ', 85 and 111(5C)'.—*[Mr. McFall.]*

Clause 102

SUBORDINATE LEGISLATION UNDER OPEN POWERS

Amendments made: No. 191, in page 45, line 47, leave out from 'Parliament' to 'is' on line 1 of page 46.

No. 192, in page 46, line 2, leave out from 'by' to end of line 3 and insert

'resolution of each House of Parliament'.

No. 193, in page 46, line 12, at end insert—

'(6) A statutory instrument containing an Order in Council under section 84 or 85 which, apart from this subsection, would be subject to annulment in pursuance of a resolution of either House of Parliament and of the Parliament is not so subject if a draft has been laid before and approved by a resolution of each House of Parliament and of the Parliament.

(7) A statutory instrument containing an Order in Council under section 84 or 85 which revokes, amends or re-enacts an Order under either section may be subject to a different procedure under section 101 or this section from the procedure to which the instrument containing the original Order was subject.'.—*[Mr. McFall.]*

Clause 103

TRANSFER OF PROPERTY: SUPPLEMENTARY

Amendments made: No. 194, in page 46, line 15, leave out 'provide for'.

No. 195, in page 46, line 16, after '(a)' insert 'provide for'.

No. 196, in page 46, line 19, after '(b)' insert 'provide for'.

No. 197, in page 46, line 20, at end insert—

'(c) make provision (other than provision imposing a charge to tax) as to the tax treatment of anything done by or under the legislation.

( ) No order shall be made by a Minister of the Crown by virtue of subsection (2)(c), and no recommendation shall be made to Her Majesty in Council to make an Order in Council by virtue of subsection (2)(c), without the agreement of the Treasury.'.—*[Mr. McFall.]*

Clause 104

MINISTERS OF THE CROWN

Amendment made: No. 198, in page 47, line 6, after 'enactment' insert 'prerogative instrument'.—*[Mr. McFall.]*

Clause 105

SUBORDINATE INSTRUMENTS

Amendments made: No. 199, in page 47, line 22, leave out from 'exercise,' to 'of' in line 23 and insert

'so far as it would be within devolved competence,'.

No. 200, in page 47, line 28, leave out from 'apply,' to 'as' in line 30 and insert

'so far as it would be within devolved competence,'.—*[Mr. McFall.]*

Clause 106

CONSOLIDATED FUND, ETC.

Amendments made: No. 201, in page 47, line 35, leave out

'in or as regards Scotland'

and insert 'within devolved competence'.

No. 202, in page 47, leave out line 38 and insert

'and functions of any Scottish public authority to which paragraph 1A of Part III of Schedule 5 applies'.

No. 203, in page 48, line 10, at end insert—

'( ) Subsections (2) and (3) do not apply to the words from the beginning of section 2(3) of the European Communities Act 1972 (general implementation of Treaties) to "such Community obligation" '.

No. 281, in page 48, line 35, leave out from second 'the' to end of line 36 and insert 'Auditor General for Scotland'.—*[Mr. McFall.]*

Mr. Dalyell: On a point of order, Mr. Deputy Speaker. These are most important matters. May I make the naughty point of order that I hope that the other place considers them properly?

Mr. Deputy Speaker: The hon. Gentleman has made his naughty point of order. It will be noted.

Schedule 5

RESERVED MATTERS

Mr. McLeish: I beg to move amendment No. 73, in page 59, line 6, leave out from beginning to end of line 7 and insert—

'1. The following aspects of the constitution are reserved matters, that is—

(a) the Crown, including succession to the Crown and a regency,

(b) the Union of the Kingdoms of Scotland and England,

(c) the Parliament of the United Kingdom,

(d) the continued existence of the High Court of Justiciary as a criminal court of first instance and of appeal,

(e) the continued existence of the Court of Session as a civil court of first instance and of appeal.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 58, in page 59, line 31, at end insert—

'5A. Paragraph 1 does not preclude the holding by the Scottish Executive of a referendum on any reserved matter, provided that the decision to hold such a referendum has been approved by a resolution of each House of Parliament.'.

Mr. McLeish: Government amendment No. 73 is clarificatory and makes clear the matters reserved under the heading, "The Constitution". As hon. Members know, we do not have a written constitution in the United Kingdom and there is no clear definition of what the term includes. Comments made by a number of parties make it clear that there is doubt about what the reservation covers. It might have been argued that it included local government or the courts. For the avoidance of doubt, we have decided to specify the matters that are covered by the reservation. The other matters listed are a central feature of the constitution and are required to be reserved to preserve the integrity of the United Kingdom. I shall be brief, because we must debate the wider issues.

Mr. Ancram: The Minister has moved the amendment very swiftly. When I first read it, I was surprised, because it replaced a catch-all provision. At part 1 of schedule 5, the Bill states:

"The constitution, including . . . the succession to the Crown and a regency and the Parliament of the United Kingdom are reserved matters."

The word "including" is important, because it suggests that other matters form part of the constitution. When I first read the Bill, I assumed that the question whether such matters were constitutional would be decided by the courts. Provision has been made in the Bill to decide what are devolved issues and what are not. The broad catch-all provision was sensible, and disputes would have been resolved, but I was surprised, because the amendment restricts what is to be regarded as constitutional to the five provisions that will be inserted into the Bill by amendment No. 73.

So surprised was I that on 7 May I wrote to the Secretary of State:

"In order to inform this Debate I would be grateful if before it you could let me know what the implications of the new amendment are as against the broader and more catch-all provision which it replaces."

I was delighted to receive this morning a letter from the Minister referring to my letter and giving me notes on the amendments. I turned with excitement and anticipation to the note on amendment No. 73, which states that it is a

"Government amendment to clarify which aspects of the constitution are reserved."

I am no further forward and, although the Minister has moved the amendment, still no clearer about what has been left out. What is left out is important, because a catch-all provision is being replaced by a specific provision which will weigh heavily in the minds of the courts, which may have to deal with the question of what are devolved matters and what are reserved matters.

I have read the amendment a number of times, and it is difficult to see what has been left out. The Minister said that local government is not included. I had presumed that it was not a constitutional issue and therefore would not arise. I make these inquiries because we must have a clear idea of what the provision will achieve. Although the Parliament of the United Kingdom is a reserved matter and defined as constitutional, are its actings, for example in terms of the exercise of the power under clause 27(7) to legislate for Scotland, regarded as constitutional? Are they included in the definition, or are they outside it and therefore not covered by the reservation of constitutional matters?

The matter concerns the sovereignty of Westminster over the Scottish Parliament, which we have debated at length. I hope that that is a constitutional matter, but whether it is covered by the definition's specific provisions is questionable. That leads to the question that we were debating a week ago, to which amendment No. 58 refers: the holding of referendums and whether that is regarded as constitutional and therefore reserved. I want to explore that issue further. I see nothing in Government amendment No. 73 that tells me that that is the case, so I hope that the Minister will deal with the matter specifically.

The question of referendums is relevant, because I understand from an early sedentary intervention that part of the Liberal Democrat party in Scotland has decided to press for a referendum on the independence question.

Mr. McLeish: Just for the record, I did not want to go into too much detail on the first part of your response, but you are speaking to the amendment. I am happy to expand on our views later.

Mr. Deputy Speaker: Order. The Minister needs to be reminded that he is addressing the Chair.

Mr. Ancram: I appreciate that the Minister deliberately did not deal with those issues, but I want to put them firmly on the record as I want clear answers. Whether official or unofficial, there has been a Liberal Democrat call for a referendum on the independence question in Scotland. At the moment, it is within the purview of this House to arrange for such a referendum to be held. What is much more questionable is whether, consequent on devolution and the creation of a Scottish Parliament, the right to hold such a referendum would reside in this House only, or whether it would also be available to a Scottish Parliament. I want to secure assurances from the Minister on that matter.

[Mr. Ancram]

Last week, we had an interesting debate during which the subject was raised with the Secretary of State, perhaps slightly in advance of its time on the amendment paper. I am sorry that he is not in his place, because I had hoped to question him further on language that was characteristically his. It is worth studying the exchanges, because they show a lack of clarity. I said to the Secretary of State:

"I hope that I am not pre-empting our debate on the issue, but the Secretary of State mentioned the Union of the United Kingdom being a reserved matter."

That is part of the Government amendment. I asked:

"Does that mean that a referendum on the Union also will be a reserved matter and not available to the Scottish Parliament?"

The Secretary of State replied:

"It is clear that constitutional change—the political bones of the parliamentary system and any alteration to that system—is a reserved matter. That would obviously include any change or any preparations for change."

Later in his reply, he referred to the hon. Member for Banff and Buchan (Mr. Salmond) wanting a referendum. He said:

"It is clear that he cannot find a vehicle for doing that in the machinery laid down in this legislation."

It seems from that reply that the ability of a Scottish Parliament to hold such a referendum was being ruled out. I asked:

"In very simple terms, does that mean that a referendum on Scotland's future in the United Kingdom is within the competence of the Scottish Parliament?"

6.30 pm

The Secretary of State could have said yes or no to that question, depending on his view, but he said:

"If one assumes that that is a way of changing the constitution, no, it is not in the power of the Scottish Parliament to change the constitutional arrangements."

Later in the debate, my hon. Friend the Member for Beaconsfield (Mr. Grieve) sought to question the Secretary of State. He asked:

"Would the holding of a referendum be within the competence of the Scottish Parliament?"

The Secretary of State replied:

"A referendum that purported to pave the way for something that was ultra vires is itself ultra vires. That is a view that I take, and one to which I will hold."

The Secretary of State qualified that by saying:

"But, as I said, the sovereignty of the Scottish people, which is often prayed in aid, is still there in the sense that, if they vote for a point of view, for change, and mean that they want that change by their vote, any elected politician in this country must very carefully take that into account."

Rather than getting a straight answer, the jungle was becoming thicker by the moment. Characteristically, the hon. Member for Linlithgow (Mr. Dalyell) sought to cut away the foliage by asking:

"Can the Scottish Parliament of itself initiate a referendum on independence?"

It could not be put straighter than that. The Secretary of State said that he thought that he had answered that, but he went on to say:

"It is my view that matters relating to reserved matters are also reserved. It would not be competent for the Scottish Parliament to spend money on such a matter in those circumstances."—[*Official Report*, 12 May 1998; Vol. 312, c. 256-57.]

I think that we made some progress because, in the words of the Secretary of State, it would not be possible for the Scottish Parliament to hold a referendum the cost of which came from the financial provisions that will be made for that Parliament. However, the question about whether it is in the competence of that Parliament to hold a referendum was not answered.

I could be facetious and say that the Liberal Democrat party, or the section of it that wishes to have a referendum, could decide to sponsor one and put up the cash for it. As the Scottish Parliament would not have to find the wherewithal, would it be competent to initiate and conduct such a referendum? That is an important matter.

Our amendment is a probing one. The Scottish Parliament could decide to hold a referendum, but the amendment ensures that it could do that only with the consent of both Houses of this Parliament. It would allow the Scottish Parliament to apply to this Parliament as the custodian of the constitution, which is how I understand the Bill, for permission. I do not intend to press the amendment: it is intended only to tease out the situation. However, it is at the heart of the debate because it looks at the relationship between the Edinburgh and Westminster Parliaments.

I understood that it was agreed between the Government and the Opposition that the Westminster Parliament is supreme and could, under the Bill, legislate on all matters in Scotland if it so wished. It also decides on questions of constitutional change because of its supremacy and the sovereignty that is vested in it. The dialogue to which I have referred from last week's debate casts some doubt on that and the matter needs to be clarified.

When we started the debate on the Bill in January, the Government spoke about the creation of a Scottish Parliament in which there would be new politics. They said that there would be sweetness and light and that many questions about the legislation were irrelevant because everybody wanted to see the Parliament working. On that basis, many of our concerns were brushed aside, but now there is a somewhat different political situation. It was assumed that the Scottish Parliament would be a friendly one that was run by some combination of the Scottish Labour party and others and that it would deal in a friendly way with this Parliament. But that is questioned by opinion polls in Scotland and will not necessarily be the case. The idea that dialogue between Westminster and Edinburgh would always be friendly and co-operative is in doubt.

Today's debate and Scottish questions were undermined by the vitriol—that is the only word that I can use—of the hon. Member for Banff and Buchan in addressing some of the issues that we raised about sovereignty. The Minister for Education and Industry, Scottish Office, was vitriolic in his responses to the hon. Gentleman at Scottish questions. The question whether sovereignty ultimately rests here or can be vested under

certain conditions in the Scottish Parliament is not theoretical. It cannot be quietly be left on the shelf as if it does not matter. It could become important quickly.

Mr. Salmond: If the right hon. Gentleman thinks that those exchanges were vitriolic, I can only say that he has led a sheltered existence. He said all that in the referendum campaign, but is repeating it as if it has only just been discovered. Perhaps I could refer to Lady Thatcher's celebrated remark. She said, "If the Scots were to determine on independence, no English politician, certainly not me, should gainsay that process." Does the right hon. Gentleman believe that that is still the view of the Conservative party?

Mr. Ancram: Yes, I do, and it was repeated by my right hon. Friend the Member for Huntingdon (Mr. Major) when he was Prime Minister. He said that he would not hold any part of the United Kingdom within it against the wishes of the majority of the people in that part. I think that I quote him correctly. Obviously, that is relevant to the debate. The hon. Member for Banff and Buchan says that I am saying nothing new. I know that: I am trying to avoid saying, "I told you so." I predicted all along that that issue would become crucial because of the fact that the extraordinarily sunny picture that was being painted by the Government was simply unreal.

In the referendum campaign, I said that devolution would create a focus for nationalism, which would grow on the back of it. I was told that I did not know what I was talking about, and the Secretary of State for Defence said that devolution would kill nationalism stone dead. We see now that our fears during that campaign were real. If anything, that strengthens my point that these matters need to be clarified before the Bill leaves the House. If matters are left uncertain, they will become the focus for further resentment and anger that will cause friction between the Edinburgh and Westminster Parliaments, and that can only feed the flames of nationalism. We want to avoid that.

As I said, ours is a probing amendment, but I have more than a hope that, before the Bill completes all its stages, there will be clear answers. I hope that the Minister will not think that I am insulting the Secretary of State when I say that I do not think that we got clear answers last week. I hope that he will take this opportunity to give such answers.

Mr. Dalyell: My view is simple and concise. Sooner rather than later there will inevitably be a referendum on the question of independence. Therefore, we should clear up the issue of who has the power to initiate it.

Mr. Salmond: I listened with interest to the right hon. Member for Devizes (Mr. Ancram). He rightly said that the Conservative party said last year in the referendum campaign that devolution would lead to independence. Some official spokesmen for the party said that the process would be inevitable. If they still believe it to be inevitable, I do not see the point of making these speeches. By definition, if something is inevitable, there is no point in trying to resist it, so if the right hon. Gentleman is now disputing the inevitability of the process, we have to conclude that the Conservative party has at least modified its position since the referendum campaign.

Surely the important point is that these arguments were ventilated before the people in the referendum campaign by the Conservative party, and the people gave their answer.

Mr. Ancram *indicated dissent.*

Mr. Salmond: The right hon. Gentleman shakes his head, but I recall being on television programmes with him, and he made exactly those points. They were available to the people when they judged the matter, and they gave an answer. He implied that the reason for that was that they did not believe him. Another reason might be that they did not care particularly. The argument from the other side—both from me and the Secretary of State for Scotland—was that it was up to the people to decide the constitutional future of Scotland. When the right hon. Gentleman made those arguments in the referendum campaign, the united answer that he received from the yes forces was that these matters would be determined by the people of Scotland.

Mr. Garnier: I think that the hon. Gentleman will accept that the referendum, which the yes campaign decisively won last summer, took place in ignorance of the Bill. Does that not have some bearing on this debate?

Mr. Salmond: The referendum was informed by a White Paper that gave a detailed explanation of what we could expect from the Bill. Certainly what would be a reserved matter in terms of the constitution was in the White Paper, but the answer given by the yes forces was very clear, and it was given on a number occasions.

I had a number of meetings with the Secretary of State in that period. I asked him a number of times in the House what his answer was. I particularly remember 24 July 1997, when I specifically asked him whether there would be any attempt to put up obstacles or roadblocks to stop the Scottish Parliament from developing, if the people so chose, into an independent Parliament. He gave a specific answer:

> "If I did try to build such barriers, they would be futile and without effect. At the end of the day, in practical politics, what matters is what people want. If the hon. Gentleman is able to carry the people of Scotland, no doubt he will be able to advance his cause."—[*Official Report*, 24 July 1997; Vol. 298, c. 1049.]

There was no doubt or dubiety whatever. The Secretary of State clarified that there was to be no glass ceiling in these proposals. They envisaged a devolved Parliament within the state of the United Kingdom, but the sovereign right of the Scottish people to choose to change that arrangement, if they so wished, was upheld.

Dr. Liam Fox (Woodspring): Does the hon. Gentleman not accept that, on two occasions last year—first at the general election and then in the referendum—the population of Scotland voted for a Unionist position: first, for Unionist parties in the general election and then for devolution within a United Kingdom, for which he campaigned?

Mr. Salmond: I did not see the hon. Gentleman very much in the campaign. I was told that he was on holiday in America at one stage in the campaign. *[Interruption.]* If I am wrong, I gladly apologise.

Mr. Desmond Swayne (New Forest, West): Will the hon. Gentleman give way?

Mr. Salmond: No, I will not give way to my old university friend.

[Mr. Salmond]

I repeat the point that I did not see very much of the hon. Member for Woodspring (Dr. Fox) during the devolution campaign, but if he saw much of me during that campaign, he would know explicitly that the yes side argued that, although we had different objectives for Scotland's future, the thing that united us was that we accepted the right of the people of Scotland to decide their future.

The hon. Member has asked me about the last general election. I would have thought that the Conservative party, which ended up with zero seats in Scotland—nul point, as the hon. Member for Glasgow, Pollok (Mr. Davidson) is fond of pointing out—would be the last party to say that the last general election was a final determination of the state of Scottish politics. The hon. Gentleman prays in aid a victory for the Labour party as a victory for his position. I am sure that there are people in the Labour party who would be very upset about that argument. Clearly, the last general election decided the last general election. The Scottish election will decide the Scottish election. No doubt the next general election will make a decision.

Democracy does not stop at a point in time. The whole point about democracy is that if people lose an argument, they have the right and ability to re-present that argument. Scotland was an independent state for 1,000 years. It then made a decision not to be an independent state. If it chooses to reverse that decision, it has the absolute right to do so.

6.45 pm

Before the hon. Member for Woodspring diverted me, I was going through some of the quotations from the Secretary of State for Scotland. I come to one that specifically looks at how that sovereignty might be exercised:

"Although the hon. Member for Banff and Buchan is in favour of a multi-option referendum as a general principle, when it comes—if it ever does—to the point where he wishes to implement a specific constitutional scheme, he should put that to the people of Scotland in a single-question referendum to get it endorsed."—[*Official Report*, 4 June 1997; Vol. 295, c. 433-34.]

The Secretary of State advised me that that was the right and proper methodology to use if I wanted argue the case for independence and have it put before the people—I was to put it before the people in a single-question referendum. I find it a bit surprising that, less than a year later, the same Secretary of State is now, in pejorative terms, daily accusing me of doing exactly what he advised last June.

What has changed between last June and this May? The most significant change is that, last June, the Labour party was 30 points clear in the opinion polls and, this May, it is five points behind.

Mr. Dalyell: As the hon. Gentleman knows, not since Mephistopheles made a bargain with Dr. Faust has there been anything quite like him and my right hon. Friend the Secretary of State for Scotland coming together. It was a Faustian bargain because they both knew that they wanted different things.

I ask the serious question: what is the hon. Gentleman's interpretation of my right hon. Friend's undertaking at that time in relation to a referendum? For the sake of clarity, what does he think was promised by the Secretary of State?

Mr. Salmond: The position is absolutely clear in the *Hansard* of 4 June last year. That was repeated to me at private meetings and in the press. On 16 May in *The Herald*, the Secretary of State made it clear that no "glass ceiling" would be built. He said:

"The only way in which we could move to independence would be if people voted for independence. That is clearly their right and I would not wish to deny them their right",

ruling out any trick in the White Paper. When I specifically asked the Secretary of State about the reserved matter of the constitution in the Bill, he repeated that that was overridden by the Scottish people's sovereign right to express their wish for independence, if they so chose to do, that this was a point in time and that if the Scottish National party, the independence forces, won their argument, they would have their case resolved.

Mr. Swayne: Will the hon. Gentleman give way?

Mr. Salmond: No.

The hon. Member for Linlithgow (Mr. Dalyell) is a fair-minded man. He knows that I have argued consistently for a position, as he has. He was with me on television programmes last year when both the Secretary of State and I answered his specific point by saying, "It is up to the people to decide."

The arguments of the Conservative Front-Bench team have an air of total unreality. There is the apparent belief that it can find a mechanism, an amendment, a clause, a statement from the Government Front-Bench team, an expression of view by the Secretary of State, by the Minister for Home Affairs and Devolution, or by a Labour Member, which could somehow stop the process of sovereignty in the Scottish people. It cannot be done in that fashion. No amendment or clause can erect the roadblock that the Secretary of State promised would not be there.

Mr. Swayne: I do not think that anyone is questioning the sovereign right of the Scottish people to opt for independence, should they so wish. We are discussing merely the proper means by which that process will arise.

Mr. Salmond: That is why I quoted—I know that the hon. Gentleman was listening carefully—the advice given to me, on 4 June 1997, by the Secretary of State for Scotland. He told me that if it comes to a point at which I wish to implement a constitutional scheme, I should put the scheme to the people of Scotland in a single-question referendum. I suggest to the House that I could put the matter to the people of Scotland only if I were in the majority party, or the leader of a coalition, in the Scottish Parliament. I cannot see myself as Prime Minister in this place, or commanding a majority in accepting such a scheme. The words of the Secretary of State for Scotland can be interpreted only in that way.

It is a bit rich, and a bit late, for that certainty—that democratic point of view—which was crystallised and repeated many times last year by the Secretary of State

for Scotland, to have undergone a transition this year, because of a change in the nature of Scotland's opinion polls. What manner of politics is it that bases an argument on democracy on the latest position of a few public opinion polls?

Mr. Dalyell: This is a very important discussion indeed in terms of the British constitution. In the presence of the Whips—I do not care who knows it—I want to know, as a Labour Member of Parliament, why the Secretary of State for Scotland has something better to do than to be in the House of Commons at this point? This is a House of Commons point, and I am an old House of Commons traditionalist. On this particular issue, the place for the Secretary of State for Scotland—Cabinet Committee meeting or not—is on the Treasury Bench. I hope that the Whip registers that.

Mr. Salmond: That was an intervention for me, but an observation for the Labour party. I should tell the hon. Member that there are several crisis points in the Labour party in Scotland. Perhaps the Secretary of State is dealing with one of the other crises, rather than with us in the Chamber.

Despite the Secretary of State's absence, there is no shortage of quotations from him. I have another half dozen of them with me, which I shall not read out now. Nevertheless, Ministers should remember that those quotes, and the notes of various meetings that I have had with the Secretary of State, are on the record and can be prayed in aid.

It is ridiculous to try to block the democratic sovereign right of the Scottish people, and the parties that try to do so will not gain any benefit. For 20 years or more, the Tories tried to do it, and the result of that and other measures was that they were perceived—in the words of the previous Secretary of State for Scotland—as being "anti-Scottish". They were perceived as such not necessarily because of the views that they held but because of their attempt, in one way or another, to deny the Scottish people the right to decide their own destiny. Regardless of its views on other matters, any party that makes an argument that one can deprive people of that right will fall into the same trap as the Tory party did for so long.

Mr. Ancram: The hon. Gentleman is touching on an important point. Does he believe that the type of roadblock that he fears is or is not being created by Government amendment No. 73? I am trying to clarify that point. It is essential that we should have the answer to that question before the Bill is passed by this place.

Mr. Salmond: I do not think that such a roadblock would be created by the Government amendment, although one would be created by amendment No. 58, which was tabled by the right hon. Gentleman. That is why, if he had the courage to press it to the vote, I should take the greatest pleasure in voting against it.

We have to distinguish between the Parliament's legislative competence and its right to discuss, decide and consult on anything that it wishes. We have to distinguish between the Parliament's legislative competence and whether it can "pray in aid"—to use the Secretary of State for Scotland's own words—the sovereign right of the Scottish people to determine their own future. I think that the right hon. Member for Devizes will find that that view is well supported by eminent Scottish lawyers and academics. It is certainly the view I take.

I do not mind that the settlement is a devolution one—I never have. The only question that I have asked the Secretary of State—and the Minister of State, as he can verify—is whether the Scottish people have the right to move on if they so wish. I am genuinely saddened that the confident democratic answer given last year by the Secretary of State for Scotland has been replaced this year by a much more equivocal and muddied one. It would be far better if all of us were to accept that sovereign right, stop trying to move the goalposts and let the Scottish people determine their own national destiny.

Mr. McAllion: Like the hon. Member for Banff and Buchan (Mr. Salmond), I cannot foresee his ever being the Prime Minister or commanding a Scottish National party majority in this place. As he well knows, it is not in the nature of the beast.

I tell my hon. Friend the Member for Linlithgow (Mr. Dalyell) that, although certainly he can tell the Secretary of State for Scotland what he thinks, through the Whips, I certainly would not—as I await an interview for the Scottish Parliament—dream of doing any such thing—*[Interruption.]* I am only, at the very outset, setting the tone of my speech.

I was relieved to hear that amendment No. 58 is only a probing amendment. I thought that the Tory party was trying to facilitate constitutional referendums in Scotland. As the Tories have spent 18 years frustrating such referendums, that really would have been one for the book.

I tell the right hon. Member for Devizes (Mr. Ancram) that he cannot call in aid the state of current opinion polls in arguing that devolution will necessarily fan the flames of nationalism and lead to an independent Scotland. If he carefully examines opinion polls in Scotland, he will see that the SNP is ahead of Labour only in elections to the Scottish Parliament. Scottish voters realise very well that electing a large SNP contingent to the Scottish Parliament is not the same as voting for independence. Scottish voters are being very discriminating in how they are indicating their voting intentions in the next election.

I felt that I had to speak in this debate because of the attack by the right hon. Member for Devizes on an individual Liberal Democrat Member, for daring to come out in favour of a referendum. Today, I seem to have caused some controversy by saying that I, too, am in favour of an early referendum on whether Scotland should remain with a devolved Parliament inside the United Kingdom or move to independence in Europe. It seems that I am now—unintentionally—at odds with my right hon. and hon. Friends on the Treasury Bench.

I was merely stating what I believe to be the case. I make it clear that, in any such referendum, I would vote for Scotland to remain within the United Kingdom, and for the devolved Parliament to be the way forward for Scottish government. The differences between Ministers and me is only about tactics, and about what is in the Labour party's best interests. I believe that it is certainly in Labour's interests to hold an earlier rather than a later referendum, because the current mood in Scotland is very different from what it might be in five or 10 years' time. We will have to consider that fact.

[Mr. McAllion]

I have several concerns about Government amendment No. 73, which I hope that my hon. Friend the Minister will try to deal with in his reply. Paragraph 1(b) of the amendment would seem to exclude any matter of

"the Union of the Kingdoms of Scotland and England"

from being dealt with by the Scottish Parliament, in a referendum or by any other device. The provision seems to be a type of blocking mechanism designed to stop the Scottish people, through their elected representatives in the Scottish Parliament, from ever reaching any decision on whether Scotland should remain inside or outside of the United Kingdom.

The Government amendment seems to require a vote in this place before a referendum could be held to discover the views of the Scottish people—thereby giving a veto to the majority of non-Scottish Members in this place, allowing them to prevent the Scottish people from ever having an opportunity to vote in such a referendum. If that were the case, I should be very concerned about the amendment. Many years ago, when many of my right hon. and hon. Friends and I signed the Claim of Right for Scotland, we were unequivocal in stating that sovereignty lay with the Scottish people, and only with the Scottish people. We signed up to the Claim of Right for Scotland, and we signed up to the sovereignty of the Scottish people. We should be standing by what we believed in 1989.

Mrs. Eleanor Laing (Epping Forest): Does the hon. Gentleman think that if action is taken that fundamentally alters the whole of the United Kingdom, the whole of the United Kingdom should be part of the decision-making process, at least through the United Kingdom Parliament?

Mr. McAllion: I might be prepared to take that argument a little more seriously if it were applied in Northern Ireland, for example. Friday's referendum does not involve the whole of the United Kingdom; nor should it. As I was saying, the Labour party is committed to the Claim of Right for Scotland and to the concept of the sovereignty of the Scottish people. If the Scottish people decide on independence, it would not matter whether 500 or 600 Tory Members in this place were opposed to the Scottish people breaking away from the United Kingdom. They would have no right to stop them from breaking away, if it was based on the democratic view of the Scottish people. Even Mrs. Thatcher was prepared to accept that much. I am surprised that the hon. Lady is at odds with her great heroine.

Mr. Jenkin: The hon. Gentleman is absolutely right that if the Scottish people demand independence, it is game, set and match to the Scottish National party. The question is whether it is right in the United Kingdom constitution for the Scottish Parliament to be able to facilitate that process. Does he think that there is any limit on the powers that the Scottish Parliament can demand, argue for, campaign for, spend money on campaigning for or hold referendums on? Is there anything on which it cannot spend money? If he thinks that there is not, we are establishing a sovereign Scottish Parliament and an à la carte United Kingdom, which I do not suppose he favours for the European Union, for example.

7 pm

Mr. McAllion: The hon. Gentleman paints a distorted picture of reality. I ask him in turn how this Parliament will stop a majority in the Scottish Parliament deciding that they should hold a referendum on the future constitutional position of Scotland? It is all very well for this Parliament to say that it is not in the competence of the Scottish Parliament to spend any taxpayers' money—even if it is raised by the Scottish Parliament's right to vary income tax—on holding a referendum, but how does it stop the Scottish Parliament? Is anyone seriously arguing for sending troops to prevent the holding of a referendum in Scotland and the Scottish people having a say on the future constitutional set-up under which they wish to live? Of course a referendum could not be stopped. If a majority in the Scottish Parliament ever decide that they want to hold a referendum, there will be very little that this Parliament can do.

One only has to look back to the previous Tory Government to realise that very little can be done. Strathclyde regional council decided that it would hold a referendum on the future structure of the water and sewerage industry in Scotland. The Government of the day did not want it to do that. They may even have decided that it was not competent to do so and that it should not be wasting local taxpayers' money on such a referendum, but the region went ahead with the referendum and it had an effect on the Government of the day. Even with a big majority in the House, the Tory Government had to back down because it was clear that the Scottish people thought that the water and sewerage industry should remain in the public sector. Even a Government who were committed to privatisation had to accept that. That is the reality with which we are dealing.

Mr. Salmond: The hon. Gentleman has done well to remind his Front-Bench team of the Claim of Right, which dealt with such issues explicitly. Does his memory of the referendum campaign accord with the quotations that I have cited? There was not a Faustian bargain, as the hon. Member for Linlithgow (Mr. Dalyell) suggested; there was a very clear agreement which allowed the Scottish people to determine the future of our country.

Mr. McAllion: I understand that that is the policy of my party. It has been made clear on several occasions that the Labour party is a democratic party and would accept whatever democratic decision the Scottish people took. In fact, I think that every political party in the House holds that position. I know of no hon. Member who would seriously argue that if a majority of the Scottish people want to go down the road towards independence in Europe, this House should try to block their wishes. Surely nobody in a democracy would argue that.

Mr. Ancram: At the risk of ruining the hon. Gentleman's chances in his future selection contest, is he saying that he disagrees with the Secretary of State when he said last week to the hon. Member for Banff and Buchan (Mr. Salmond) that

"he cannot find a vehicle for doing that"—

holding a referendum—

"in the machinery laid down in this legislation"?—[*Official Report*, 12 May 1998; Vol. 312, c. 256.]

Mr. McAllion: I am not disagreeing—partly because I was not here. I had a constituency week last week; I was

somewhere else. I was certainly not watching the proceedings of the House on cable television. I have far better things to do with my time.

I am trying to put across the point that we are not dealing with some inferior institution. We are dealing with a Parliament that will be elected under—in my view—a much fairer democratic system and will reflect the views of the Scottish people. It will be a democratically elected Parliament consisting of 129 Members who will be every bit as competent to decide on such issues as anyone in this House. It is not for us to instruct them on what they can or cannot do with the budget that has been devolved to them. If we continue to try to block what a Scottish Parliament wants or does not want to do, there will be constant friction and fighting between the two Parliaments, which will play into the hands of the Scottish National party. That is why we should not be trying to place such constraints on the Scottish Parliament in anticipation of what might happen many years down the road.

Trying to put in place such constraints betrays an acute lack of confidence in our position. I am in favour of an early referendum in Scotland because the Scottish people want a devolved Parliament in the United Kingdom and do not want to move to independence in Europe. When the new Parliament is up and running, most Scots will be wishing it well and hoping that it starts to improve the government of their country. The last thing that they will want is another constitutional upheaval.

I think that that is also the view of the Scottish National party—although its members would never admit it publicly. The last thing that they want is a referendum in the first or second year of the Scottish Parliament because they know what the result will be. If there were an overwhelming endorsement of Scotland remaining in the United Kingdom, the SNP's case for independence would be put back at least 10 years—and SNP Members know it. They hope that there is not an early referendum; they hope that they do not get a majority in the Scottish Parliament. [HON. MEMBERS: "Come on."] It will be very difficult for any party to get a majority in the Scottish Parliament under proportional representation.

If the Westminster Parliament continues to block the Scottish Parliament's rights to do this or that, it will add to the sense of grievance in Scotland against the Westminster Parliament. Who benefits from any such grievance? None of the parties that argues for remaining in the UK will benefit; only the SNP will benefit. We should not be making it easier for the SNP. In arguing our corner, we should be making it more difficult for the SNP and showing confidence in our position.

It is tactically inept to put off the question of a referendum. If there are years of friction between the Scottish and Westminster Parliaments and if the view is maintained in Scotland that the Scottish Parliament has been held back from doing what it wants to do on behalf of the Scottish people due to politicians in Westminster, the case for independence in any future referendum will be boosted. It is in our interests to hold an early referendum, get the issue out of the way for at least 10 years and get down to governing Scotland properly.

Mr. Wallace: This is an important debate. I hope that it is common ground between the four parties that no one has ever suggested that the Scottish Parliament established by the Bill could claim independence for Scotland or become an independent Parliament. To that extent, many of us have always thought that, as amendment No. 73 states, the Union of the kingdoms of Scotland and England is a reserved matter. That should not come as any surprise. We run into difficulty on whether there can be a referendum on a reserved matter. The notorious—or famous—clause 28 states that an Act of the Scottish Parliament would not be law so far as the Act related to a reserved matter. The question is whether a reserved matter in this case is the Union between Scotland and England or—if it were an advisory referendum—the holding of referendums. If it is the latter, I do not see any problem. Clarification would be useful so that the principle of holding a referendum does not become contentious.

Amendment No. 58, tabled by the Conservative party, helps only to the extent that it is a clarification. It does not help that it would require an appeal to Westminster for orders to be granted.

Mr. Grieve: The hon. and learned Gentleman will recollect that, last week, with great difficulty, it was extracted from the Secretary of State that he was quite satisfied that it would be ultra vires for the Scottish Parliament to hold a referendum.

Mr. Wallace: The Secretary of State has expressed that view, but, at the end of the day, that might be a matter for the courts to interpret. That is why it would be better if the matter were cleared up in the Bill.

Even the hon. Member for Banff and Buchan (Mr. Salmond) seems to accept that facilitating a referendum could not be achieved by legislation. An article that I happened to glance at in today's edition of *The Scotsman* says:

> "Mr. Salmond said this could be done as long as the referendum was not set up by an act of the Scottish Parliament, which could be challenged as being outwith the competence of Holyrood."

No doubt, if there were some other way—if a referendum were sponsored by Stagecoach, for example—a referendum could go ahead.

Mr. Salmond: The hon. and learned Gentleman can relax; I shall not refer to the rest of the article in *The Scotsman*. I was quoting Professor Colin Munro, professor of constitutional law at Edinburgh university, who said:

> "You have to make the distinction between the reserved powers and what parliament can debate and discuss . . . there is nothing to stop the parliament arranging to hold a referendum, because that would not involve a change in the law. The actual separation of Scotland from the rest of the UK would be a Westminster decision, but Labour have already said they would regard a majority vote in favour . . . as a vote for independence".

Mr. Wallace: Arranging to hold a referendum might involve passing a law. The referendums on accession to the European Community in 1975, on the Scottish and Welsh Parliaments in 1979, in Wales and Scotland last year and in Northern Ireland later this week were all arranged by Acts of Parliament.

Mr. Salmond: And the Strathclyde water referendum.

Mr. Wallace: The hon. Gentleman mentions the Strathclyde water referendum, which I remember well and

[Mr. Wallace]

which my colleague, Councillor Christopher Mason, managed to persuade Strathclyde region to hold. Labour Members scoffed and told me in the Lobby that that was a terribly bad idea and that we should not hold it because we might get the wrong result, but the result was overwhelming and Labour Members were only too pleased to use it to twist the tail of the Conservative Government. Since that referendum was held, legislation has been passed that would not allow it to be repeated. Strathclyde region could never pass an Act of Parliament. The hon. Member for Banff and Buchan (Mr. Salmond) may agree that it would help to clarify the point about the holding of a referendum.

There is a further question of the wisdom of having a referendum, which is a point on which I do not agree with the hon. Member for Banff and Buchan.

Mr. Salmond: The hon. and learned Gentleman has said that he wants clarity, but he has not told us his view.

Mr. Garnier: He is a Liberal—he does not have views.

Mr. Salmond: That is not fair. Does the hon. and learned Member for Orkney and Shetland (Mr. Wallace) believe that the Scottish Parliament should have such a power, regardless of whether he thinks that to exercise it would be wise?

Mr. Wallace: It would be better if the power existed; whether it is exercised is another matter, which brings me to the hon. Gentleman's position. He suggested that democracy is standing still. I do not say this in a pejorative sense, but his party is a single-issue party. It exists for only one purpose—to get independence for Scotland. That is a perfectly legitimate aim.

Ms Roseanna Cunningham (Perth): At least we have a purpose.

Mr. Wallace: The hon. Lady makes a silly remark, but, during the by-election in her constituency, the Conservative party made an outrageous attack on her party on the anniversary of VE-day, when it tried to compare the Scottish National party to the nationalism that existed in Europe—

Mr. Deputy Speaker (Mr. Michael Lord): Order. The hon. and learned Gentleman must address the Chair.

Mr. Wallace: In Europe in 1939, Mr. Deputy Speaker.

Mrs. Laing: It is the same.

Mr. Wallace: The hon. Lady ought to withdraw that remark.

Mr. Garnier: On a point of order, Mr. Deputy Speaker. Would you ask the hon. and learned Gentleman to return to the matter under discussion, rather than airing a private grief?

Mr. Deputy Speaker: That is not a matter for the Chair.

Mr. Wallace: The Scottish National party has always argued its case through the ballot box. At every election in Scotland—general elections and Scottish elections—we have a referendum on whether the people of Scotland want independence. At the most recent general election, the overwhelming majority rejected independence, and I believe that they will do so again. If the Scottish National party managed to get a majority of votes, it would have a mandate to hold a referendum and put the case for independence. Until that happens, Scottish nationalists must accept that the electorate has that opportunity at the ballot box.

No new Parliament—once it had been set up and was getting on with its task of discussing Scotland's jobs, housing, education and health service—would want to be distracted. It would inevitably be distracted if it had also to debate the constitutional issue that has distracted our intention from other issues for far too long.

Mr. Malcolm Chisholm (Edinburgh, North and Leith): I want to focus not on whether the Parliament could have a referendum—a matter which I am sure that my hon. Friend the Minister of State will address—but on the topical question of whether it should do so, particularly in its early years.

My hon. Friend the Member for Dundee, East (Mr. McAllion) said that it was in the interests of the Labour party to hold such a referendum. However, we should be acting, here and in the Scottish Parliament, in the interests not of the Labour party but of the Scottish people. That will be a key issue in the run-up to the Scottish parliamentary elections. Everything that we do must be directed towards making the Parliament work for Scotland. Our argument is that the SNP wants to make the Parliament work for the SNP, which is what the referendum policy is about, so Labour Members should not use a similar argument to say that the Parliament should work for the Labour party.

This is an exciting venture, to which all the people of Scotland are looking forward, and for which the vast majority of them voted. All our energies must be directed towards making the Parliament work for Scotland on the issues that concern its people, such as health, education, jobs and child care. I mention child care because the first-ever child care strategy was launched today.

The hon. Member for Banff and Buchan (Mr. Salmond) referred to a glass ceiling. No party in this House—here I agree with my hon. Friend the Member for Dundee, East—has ever said that there is a glass ceiling. Even the previous Prime Minister said that the people of Scotland would get independence if they voted for it. As the hon. and learned Member for Orkney and Shetland (Mr. Wallace) said, the people of Scotland have a continuing chance to vote for independence. It will be perfectly clear, through the votes cast for the SNP, whether the people of Scotland support independence. Notwithstanding the current protest votes in Scotland, people are not, at present, voting for independence.

7.15 pm

Mr. McLeish: Many people in my constituency will, like me, be astonished that, after the 55 weeks that it has taken to get to the point at which the Bill will have completed all its stages in the House, the 100 years for which this aspiration has existed in Scotland and the 20 years for which a movement for change has existed, we are now debating this matter. It has been graphically

illustrated that the people of Scotland want a Parliament that will deal with the issues that they feel need to be addressed. They do not want the Parliament to be turned into a constitutional circus—that is not its aim.

We have worked for 55 weeks to ensure that we have a substantive legislative framework to move Scotland forward in the next century. We have done so around a consensus arrived at on 11 September and on 1 May last year. When we are talking about the will of the people and their votes, I am reminded that the Conservative party has no Members of Parliament in Scotland. I am reminded also that the Scottish National party has six Members out of a possible 72—

Ms Cunningham: Wait until next year.

Mr. McLeish: I look forward with relish to that contest. I am reminded also that one party, now represented in government, got 56 seats out of 72. Let us have a little pragmatism and perspective on an issue that is in danger of becoming abstract.

Mr. Garnier *rose—*

Mr. McLeish: I am not giving way.

Mr. Garnier: Will the Minister give way on clause 29?

Mr. McLeish: I am not giving way at this stage.

In a curious way, when people talk about the sovereign right of the people, there is no debate, because people vote in a representative democracy, but another issue, which has been confused with that, is the rights and responsibilities of the Parliament that we have proposed over the past 55 weeks. A third tier has been brought into the problems—the constitutional underpinning and the logic inherent in the Scotland Bill. It is easy for right hon. and hon. Members to get the three issues mixed up, each for their own convenience. It is crucial to say that we are discussing a Bill which sets out matters clearly.

I take exception to the way in which quotes of my right hon. Friend the Secretary of State have been bandied about in the Chamber and the press. There is nothing unclear about my right hon. Friend's position on an issue that has been raised by Conservative Members in a so-called probing amendment.

Mr. Ancram: The hon. Gentleman can clear up the matter once and for all. I shall put to him the question that the hon. Member for Linlithgow (Mr. Dalyell) put to the Secretary of State: can the Scottish Parliament initiate a referendum on Scottish independence—yes or no?

Mr. McLeish: The right hon. Gentleman should give me time to get to the central point. On 12 May, my right hon. Friend the Secretary of State said:

"A referendum that purported to pave the way for something that was ultra vires is itself ultra vires."

One does not need expert lawyers to consider that in detail and interpret its meaning. Am I wrong in thinking that what the Secretary of State has been saying is consistent not only on that point, but on the sovereignty of the people? In a similar vein, also on 12 May, the Secretary of State said:

"But, as I said, the sovereignty of the Scottish people, which is often prayed in aid, is still there in the sense that, if they vote for a point of view, for change, and mean that they want that change by their vote, any elected politician in this country must very carefully take that into account.—[*Official Report*, 12 May 1998; Vol. 312, c. 256.]

In previous debates, my right hon. Friend has captured the essence of linking the sovereignty of the people to the constitutional underpinning that forms the core of the Bill.

The whimpering of the so-called official Opposition shows that they do not recognise the fact that 11 September meant that we should go forward. For the Government, that is what the Bill is about. This has been an extensive debate, and many right hon. and hon. Members have participated in it; far be it from a Minister to be criticised for trying to stifle such a debate. Clearly, the Government do not support amendment No. 58—

It being three hours and fifteen minutes after the commencement of proceedings on consideration of the Bill, MR. DEPUTY SPEAKER, *pursuant to the Order [13 January] and the Resolution [12 May], put forthwith the Question already proposed from the Chair.*

Amendment agreed to.

Mr. McLeish: I beg to move amendment No. 231, in page 59, line 16, leave out 'Crown Estate Commissioners' and insert

'management (in accordance with any enactment regulating the use of land) of the Crown Estate'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: Government amendment No. 232.

No. 96, in page 78, line 22, at end insert—

'The subject of land reform in Scotland is not a reserved matter, notwithstanding the reservation of the Crown Estate Commissioners in Part I of this Schedule and of business associations under Head 3 of Part II of this Schedule.'.

No. 113, in schedule 7, page 85, line 8, at end insert—

'Crown Estate Act 1961—

6A.—(1) The Crown Estate Act 1961 is amended as follows—

(2) In section 1(4)—

(a) after each "Secretary of State" add "or the Scottish Executive"

(b) after second "Scotland" omit "Secretary of State" and insert "Scottish Executive".

(3) In section 2(1) (Reports and accounts of Commissioners), at end add "and the Scottish Parliament.".'.

Mr. McLeish: May I stress at the outset that, under the Government's proposals, the Crown Estate will be subject to the Scottish Parliament's legislation on devolved matters, such as land law including land tenure reform, planning, environmental protection and fisheries, in the same way as all other land in Scotland?

Amendment No. 231 is a technical amendment intended to make the position of the Crown Estate Commissioners clear, and it may be helpful if I set out precisely what is intended in respect of the commissioners. The Crown is reserved and the Crown Estate Commissioners are included as part of that reservation. However, it is intended that, although the

[Mr. McLeish]

functions of the commissioners in managing the Crown Estate should be reserved, the property and interests that form the Crown Estate should not be reserved.

The Scottish Parliament would, for example, be able to legislate to implement the proposals announced by my noble Friend the Under-Secretary responsible for agriculture, fisheries and the environment, to extend the role of planning authorities to cover marine fish farming. The Under-Secretary responsible for local government and housing, my hon. Friend the Member for Western Isles (Mr. Macdonald), announced on 17 December that new statutory procedures for the control of the dredging of marine minerals in Scotland would be introduced to replace the existing non-statutory procedure. That, too, would be within the legislative competence of the Scottish Parliament.

Mr. Garnier: The reserved matters are defined in schedule 5; we know that from clause 29, subsection (2) of which says:

"Her Majesty may by Order in Council make any modifications of that Schedule which She considers necessary or expedient."

What modifications did the Government envisage in drafting that subsection? How would they affect not only the matters that we were discussing a moment ago but the matters that the Minister is trying to discuss now?

Mr. McLeish: Government amendments Nos. 231 and 232 deal with the issues surrounding the reservation of the Crown and the Crown Estate Commissioners. The essence of the discussion is to highlight, relative to the concerns that have been raised, the powers of the Scottish Parliament in that respect. There is some misunderstanding about the reservation of the Crown Estate and the Crown Estate Commissioners, and I am attempting to clear it up.

Mr. Garnier *rose—*

Mr. McLeish: No, I do not want to give way, because we need to make some progress. It is important that we discuss some of the other amendments that the Opposition have tabled, and if I catch your eye, Mr. Deputy Speaker, I shall want to talk about them at a later stage.

Amendment No. 232 makes it clear that the reservation of the hereditary revenues of the Crown does not include revenues from bona vacantia, ultimus haeres or treasure trove. That is a bit of a mouthful, but it means matters that the Crown can take over. Such matters are devolved as property belonging to Her Majesty in right of the Crown.

I am sure that hon. Members will agree that, as they are matters dealt with distinctly under Scots law, it is appropriate that ultimus haeres, bona vacantia and treasure trove should be devolved. The revenues from bona vacantia and ultimus haeres and the benefit from treasure trove will accrue to the Scottish Consolidated Fund. The Queen's and Lord Treasurer's Remembrancer, who is responsible for administering ultimus haeres, is also devolved.

Ms Roseanna Cunningham: I shall speak to amendments Nos. 96 and 113, which stand in my name and in those of my hon. Friends. With the present debate, we are returning to the issue of land reform—a subject which has exercised a great many people and been the subject of much political debate in Scotland. I am sorry that the hon. and learned Member for Orkney and Shetland (Mr. Wallace) is not in his place now, after his claim that my party was a single-issue party. From that, I can only presume that the hon. and learned Gentleman does not think that land reform is an issue. I do. Land reform is an issue for the Scottish National party, and has been for a considerable time.

During the passage of the Bill, we have had several opportunities to explore what I see as the potential barriers that it could place in the path of radical land reform in Scotland. Amendment No. 96 identifies two of those—the reservations of business associations and of the Crown Estate Commissioners. It offers the Government the opportunity to confirm that the Parliament will be free to legislate in any way that it sees fit to move forward with land reform proposals.

Government amendment No. 231 goes part of the way to allay my concerns, and I was grateful to hear what the Minister said about it. It restates the actual nature of the reservation, which focuses on the management of the Crown Estate, and confirms that the Crown Estate will not escape from the general structure of land reform legislation.

However, the alterations do not go far enough. Indeed, they confirm the points that I sought to raise in Committee. Government amendment No. 232 devolves responsibility for certain elements of residual Crown finance. The Government have seen fit to devolve revenue in three areas. One is treasure trove, which in plain language means discovered treasure. Another is the Crown inheritance of certain types of property, such as when businesses are in dissolution and what, according to "The Oxford Companion to Law", are "waifs and estrays". Apparently, waifs and strays are classified as a form of income, although I am not sure how that would come about. That heading also includes beached whales and wrecks; I am not sure how many Members present tonight would come into that category.

However, it is clear that some issues critical to future land reform are not devolved. Those are the Crown Estate Commissioners' control of the foreshore, the sea bed, mineral rights and salmon, and of the revenues that accrue from those rights. The Government amendments are not enough. Any meaningful land reform will have to include the option of transferring control and revenues from the Crown's residual ownership of the foreshore, sea bed and mineral rights. Those are sources of income that could be used to revitalise our rural areas and enhance community involvement in the management of land—a subject which I have dealt with in detail in earlier debates.

Mr. Garnier: I tried to invite the Minister to clarify a certain point, but he seemed unable or unwilling to do so. I wonder whether the hon. Lady could help me. All the points raised by the amendments that she has tabled to schedule 5 could be rendered useless if an Order in Council were passed under clause 29(2), which says:

"Her Majesty may by Order in Council make any modifications of that Schedule which She considers necessary or expedient."

Is the hon. Lady confident that the schedule that she seeks to amend could not simply be wiped out by an Order in Council passed in the House late at night?

Ms Cunningham: With all due respect to the hon. and learned Gentleman, I am not sure whether that is what we are debating now. We had an opportunity to debate that aspect at an earlier stage and, if he will forgive me, I do not want to be drawn down that avenue now.

To return to the matter in hand, let me say that amendment No. 113 focuses on a problem identified in Committee. As the law currently stands, the Secretary of State for Scotland has wide-ranging powers of direction over the Crown Estate Commissioners in relation to their activities in Scotland. That power is contained in the Crown Estate Act 1961.

That power confirms the overall democratic control of the Crown Estate land, and the distinctive needs of the Scottish estate are confirmed by the sole power of the Secretary of State to direct the commissioners in relation to Scotland.

Amendment No. 113 would have two effects. First, it would transfer those powers that are currently held by the Secretary of State to the Scottish Executive. I wonder whether the Minister trusts the Scottish Parliament to carry out the functions with which the Secretary of State is entrusted. What happened in the discussions between the Government and the Crown Estate Commissioners that led to the decision not to devolve the Secretary of State's responsibilities? In the answer that I received today to a written question that I had tabled, I was told that no meetings had taken place between the Secretary of State and the first Crown Estate Commissioner to discuss land reform in Scotland, but that officials were in touch with the Crown Estate on the matter. I want in particular to know about the devolution of powers relating to the commissioners.

7.30 pm

Dr. Fox: May I take the hon. Lady back to the debate on land reform that took place only a few weeks ago? She said then:

"The SNP seeks a people's land reform for Scotland. That means information, management, development, access and ultimate ownership of the land by and for the people of Scotland. Land reform must go beyond mere technical tinkering with the basic land law in Scotland."—[*Official Report*, 29 April 1998; Vol. 311, c. 247.]

How will amendments Nos. 96 and 113 take that process forward? What will be the role of the Scottish Parliament in the transfer of Crown Estate land?

Ms Cunningham: I am not sure to which debate the hon. Gentleman refers—land reform has been discussed a number of times in our consideration of the Bill, and recently there was an Adjournment debate on the matter. We are now focusing on the ownership of foreshore, sea bed and mineral rights; the resolution of that issue is vital if we are to move forward land reform in Scotland.

It will come as no surprise that the consensus in Scotland is that land reform is a necessity—it is likely to be an early priority of the Scottish Parliament. We may differ slightly on what we want—some of us may want to go much further than others—but there is no doubt that land reform will be on the agenda. The amendments would make it absolutely clear that the Scottish Parliament will not face difficulties in coming up against the reserved power. I hope that the Minister will enlighten us on the discussions with the Crown Estate Commissioners on the devolution of the Secretary of State's powers over them.

Amendment No. 113 would ensure that, even in relation to the Crown Estate, there was no question that the Scottish Parliament would be prevented from taking the steps that it thought necessary to maximise economic and community access to all aspects of the land, which perhaps answers the question asked by the hon. Member for Woodspring (Dr. Fox). It would open up access to the resources that are currently under the commissioners' control—mineral rights, salmon rights, the sea bed and the foreshore. It would open the door to meaningful land reform.

In his pre-general-election manifestation—before he became a Minister—the hon. Member for Cunninghame, North (Mr. Wilson) made a radical call for control over those rights. I shall not quote his words verbatim, as I did so in the Adjournment debate that has been mentioned, but he was speaking in the House about legislation introduced by the previous Government. I do not understand why the Bill cannot go further on land reform, especially in relation to the Crown Estate Commissioners.

The second key effect of amendment No. 113 would be to introduce a requirement for the Crown Estate Commissioners to present reports not only to Westminster but to the Scottish Parliament. That would be a basic step. Even if the Minister does not accept the amendments in full, I hope that he will at least consider imposing that requirement and confirm that the Crown Estate Commissioners will be among the bodies that the Scottish Parliament can summon as witnesses. That will be essential when the Scottish Parliament discusses land reform.

Mr. Charles Kennedy (Ross, Skye and Inverness, West): The hon. Lady will find a ready echo of what she is saying among those of us who have had to deal with the Crown Estate Commissioners for years, with all the attendant frustrations—not least in the fish-farming sector in the highlands and islands. Does she share my frustration at the appointment system to the Crown Estate Commissioners, which is through the Chancellor of the Exchequer? When one asks questions on public policy of Scottish Office Ministers, those questions are often transferred to the Treasury, but Treasury Ministers, understandably, do not have the same knowledge of, or insight into, those matters as Scottish Office Ministers have. That problem may be overcome as a result of the new structure in the Scottish Parliament.

Ms Cunningham: I certainly hope so. It would be a shame if our agreements on land reform were to be stymied by problems arising from the way in which the Crown Estate Commissioners are currently constituted. I do not know whether all hon. Members have experienced this, but it has been noticeable that, since the issue was first raised in our consideration of the Bill, the commissioners have been much more communicative. Perhaps it dawned on them that the secrecy and lack of transparency with which they had managed to conduct their affairs will not last much longer, and that they needed to get their act together, at least in public relations.

[Ms Cunningham]

They certainly seem to have extended their fax and mailing lists to include many more people than previously received information from them. I do not criticise that—I am glad that it has happened—but it shows that even minimal debate in the House engenders a response. How much greater the response would be if the Scottish Parliament were able to consider those issues even more closely.

The detail of the Scottish National party's concerns have often been misunderstood. We know that the Crown Estate will be subject to the technical reform of the feudal system—I think that I can say with some confidence that such reform will be introduced by the Scottish Parliament regardless of the result of next year's election. The Crown Estate will be subject to any changes in the law on the sale or purchase of land, the registration of land or access to grants for the development of land. It will not be exempt from the legal structures introduced by land reform legislation.

The Government amendments and the comments of the Crown Estate Commissioners in the press serve only to highlight the basic nature of my concern—the aspects of the Crown Estate over which the Parliament will not be empowered to legislate, such as the revenues and residual ownership rights. Those are not trivial matters; they are extremely important, and have a profound effect on many communities in Scotland. They should be within the scope of the Parliament.

Amendment No. 113 provides the Government with a solution. I hope that the Minister will explain why the Parliament cannot be trusted with powers that are currently exercised by the Secretary of State, and why it should be prevented from legislating to transfer ownership of, for example, the foreshore from the Crown Estate to local communities, which, I suspect, people may want to do in future. I await with interest the Minister's reply.

Mr. Dalyell: I want to thank the hon. Lady. I interrupted her on the previous occasion when she raised this subject, and she said that she would send me the documents. She was as good as her word, and sent me the background work that she and others had done. Having read it, I find that there is a great deal of meat in it.

I totally agree that these matters are not trivial, but I want to put it on the record that I have had both good and bad experiences with the Crown Estate Commissioners. They have done much of their work extremely imaginatively and competently, and I would not like the House to give the unfair impression that everything they have done is unimaginative and not for the good of Scotland.

Ms Cunningham *indicated assent.*

Mr. Dalyell: I am glad that the hon. Lady recognises that the Crown Estate Commissioners have done many good things.

That said, vital issues concerning the sea bed are involved. Everything that flows from the Wildlife and Countryside Act 1981 is intimately concerned with this matter. Some estates are run extremely well, but awkward issues such as Knoydart remain. Those issues should certainly be discussed. I very much look forward to my hon. Friend's reply on this vital subject.

Dr. Fox: On 29 April, we had a substantial debate on land reform in Scotland. It was one of the most constructive debates that I have sat through in this Parliament, and there were wide areas of consensus among all the parties. We agreed that changes in land use must remove barriers to sustainable rural communities, and we discussed the contribution made in the past by private ownership and the cost of public ownership. There was consensus about the need for reform of the feudal system; an example given at the time was the maintenance of tenancies, but with reform along the lines of farm business tenancies. We also agreed about regulation of public access.

How do the Government amendments relate to what the Minister said on that occasion about the Government's broader view of land reform in Scotland, and especially the current review? When is that review expected to finish? What role do the Government envisage for the Scottish Parliament in broader issues of land reform? When he rejects—as he no doubt will—amendments Nos. 96 and 113, will the Minister consider those questions?

Mr. McLeish: I may have to disappoint the hon. Gentleman. There is a feeling in the House that land reform is the monopoly of one party, but that is not the case. All parties are concerned about the inequities that exist in Scotland, and we know that much needs to be done. The Government are moving on several fronts to tackle the problems.

I want to reassure the hon. Member for Perth (Ms Cunningham), whose comments I respect, that the Government are keen to move on land reform. We are talking about the Crown Estate Commissioners, but, on a wider front, we want to achieve consensus on land policies for Scotland. The Scottish Parliament is less than a year away, and we are keen to achieve a set of policies that it can discuss and legislate on.

The hon. Lady wants to know whether the Government trust the Scottish Parliament. The answer is yes. With first past the post and the additional member system, there will be a reinforced representation from many rural areas of Scotland, which will strengthen the Parliament's commitment to substantial land reform.

Ms Roseanna Cunningham: I did not ask whether the Government trusted the Scottish Parliament, but referred specifically to the Secretary of State's current powers in respect of the Crown Estate Commissioners and the fact that they will not be transferred in their totality to the Scottish Parliament.

Mr. McLeish: I shall deal with that point later in my reply.

The hon. Lady asked about discussions with the Crown Estate Commissioners. There have been numerous discussions between the CEC and Scottish Office officials about the devolution of the Crown Estate and the Parliament's competence to legislate to take over the CEC's function in authorising marine fish farming, an

about the reservation of the CEC's management functions, but I can confirm that there have been no discussions at ministerial level.

As my hon. Friend the Member for Linlithgow (Mr. Dalyell) said, people have different experiences of the CEC in different parts of Scotland, but it is always useful for local intelligence to be fed into the process. We want to build on the best that has happened and to tackle the worst, despite the improvements over recent months that the hon. Lady has reported.

7.45 pm

I understand the reasons behind amendment No. 96. I recognise the importance of this issue and share the hon. Lady's concern that the competence of the Scottish Parliament to legislate in this area should be clear. That said, the amendment is simply unnecessary. It is clearly within the competence of the Scottish Parliament to legislate on land tenure reform as part of Scots private law. That is not changed by the fact that certain persons or bodies, who may happen to own land, are reserved.

The reservation of the Crown Estate Commissioners does not reserve the land and property of the Crown Estate. The reservation of business associations will not prevent the Scottish Parliament from enacting new laws on land owned by business associations, whether relating to the tenure of such land or to associated planning issues. Any provision that the Scottish Parliament chooses to make in respect of land reform or planning will simply form part of the framework in which all will have to operate.

The work of the land reform policy group, chaired by my noble Friend Lord Sewel, is intended to pave the way for early land reform legislation by the Scottish Parliament. I am not convinced that a land convention modelled on the Scottish Constitutional Convention would be an appropriate or practical approach to considering wider land reform issues.

The land reform policy group has recently undertaken a wide-ranging consultation, and aims to publish its final report in December, in good time to inform debate in the lead-up to the Scottish Parliament. The timing is useful.

We are well aware of the conflicts that can exist between those who own land and those who visit the countryside for recreational purposes. The Government have asked Scottish Natural Heritage to consider, in consultation, what changes are needed to provide equitable access arrangements.

On amendment No. 113, the reservation means that the current power of direction over the Crown Estate Commissioners shared by the Secretary of State and the Chancellor of the Exchequer would not pass to the Scottish Ministers. We believe that it is right that it should remain with the United Kingdom Government, in line with the reservation of the commissioners. As things stand, the power would continue to be exercised by the Secretary of State.

In the light of what I have said and, more importantly, of the tone in which I said it, I ask hon. Members not to press amendments Nos. 96 and 113 to a vote, but to support the Government amendments.

Amendment agreed to.

Amendment made: No. 232, in page 59, line 23, at end insert

'other than revenues from bona vacantia, ultimus haeres and treasure trove'.—*[Mr. McLeish.]*

Dr. Fox: I beg to move amendment No. 59, in page 60, line 43, at end insert

', provided that any power conferred on local authorities in relation to taxes on businesses shall be framed so as to be exercisable with the effect of either increasing or reducing the overall burden of local taxation in the area of a local authority.'.

The amendment concerns the environment for business in the post-Scottish Parliament era. We are keen to ensure that, just as the tax-varying power for income tax is both upwards and downwards, any such power on business taxation should also be seen to be in both directions. We must not create a one-way valve through which the Scottish Parliament, via local authorities, can soak Scotland's business community.

At Scottish Questions today, the Minister for Education and Industry said that if equal taxation treatment in the United Kingdom for business—he was referring to corporation tax—was lost, businesses would flock out of Scotland. I am sure that he is right. He said that that was the justification for keeping corporation tax on a United Kingdom basis.

If the basis for keeping taxation the same is to ensure that businesses do not flock out of Scotland, it surely makes sense that any business tax-varying power can go in both directions. The Scottish Parliament should be able either to raise taxes on Scottish businesses—I cannot understand why it would want to—or reduce them. It is illogical for the Government to say that they want equal treatment for businesses in Scotland and in the rest of the United Kingdom and then provide for the Scottish Parliament to be able to change taxation, but only upwards. That can give no satisfaction to anyone in business in Scotland. It raises many worries.

In previous debates, the Government failed to promise to maintain the uniform business rate, which led to some anxiety in business. This is a chance for them to reassure business that taxation will not go only upwards. If the Minister fails to give that reassurance, he will send a shudder down the back of business in Scotland, because it will believe that it will be soaked for the extra money that the Scottish Parliament will want to spend as a result of the expectations that will undoubtedly be raised during the election of the Scottish Parliament.

Mr. Dalyell: It is superfluous for me to tell the Minister that many people in Scottish business simply ask whether they will be operating on what we must call a level playing field. Some assurance on that point would be helpful. Because of time, I leave my question at that.

Mr. Gorrie: I should like the Minister to explain the position. I cannot see that the Bill says what the Conservative spokesman said that it says. He said that it can only increase taxes. I must be stupid, but I cannot see that in the Bill.

It is important that Scottish local government should have the maximum flexibility to deal with financial matters, and that the Scottish Parliament should help it. It is widely recognised that it would be helpful if a method of letting local government raise more of its own

[Mr. Gorrie]

revenue could be found. There should be maximum flexibility for the Scottish Parliament and local authorities to do that. For example, the burden of commercial rates on small businesses could be reduced and the cost made up in some way out of income tax or whatever. There should be opportunities such as that for the Scottish Parliament and local authorities to be flexible. I do not see that the Bill prevents that. Perhaps the Minister can clarify whether I have missed something.

Dr. Fox: By way of clarification, is the hon. Gentleman's party's policy to maintain the uniform business rate?

Mr. Gorrie: It is my party's policy that the Scottish Parliament should have the right to determine such matters. Business taxation should not be hiked up separately from the council tax, but there might be some flexibility between the two. I hope that the Minister can clarify my points.

Mr. Swinney: I would hate the hon. Member for Edinburgh, West (Mr. Gorrie) to think that he was isolated in feeling stupid in his interpretation of the Bill. I share his concerns about the Conservative amendment. It is clear that the Scottish political parties, in offering their manifestos to the Scottish electorate next May, must decide for themselves about business taxation powers. None of us looks at the future of business in Scotland after the advent of the Scottish Parliament with anything but a responsible sense of trying to create the best business conditions in which companies can operate.

I spoke last night at a meeting of the Angus Federation of Small Businesses. I was under sustained pressure about the burden of business rates on small companies trading in small towns. Political parties have an obligation to address the difficult trading conditions, costs and overheads experienced by such firms in the present climate. Political parties must be able to reduce, for example, the business rates of small companies and examine how that can be funded by other businesses or by the public purse. That is possible within the legislation and is in no way assisted by amendment No. 59. It is an issue for political parties to address in the context of their manifestos. They must build a message that is sustainable and acceptable to the business community and can carry its confidence. The legislation allows them to do that, but the amendment does not help the process.

Mr. McLeish: It does not help to overstate an attack on what the Government are doing. I do not recognise the business environment described by the Conservatives. That is not to be complacent. My hon. Friend the Member for Linlithgow (Mr. Dalyell) asked whether we are providing a level playing field. I think we are. The constitutional settlement that we have tried to develop over the past 55 weeks is about a level playing field. We have sought through regulation to ensure that, at UK level, powers remain, whether on energy or on a wide range of other issues, to ensure that the existence of a level playing field remains a key factor.

There has been no attempt to take corporation tax, national insurance or social security related benefits that impinge on industry, whether by amount or collection. The central aim is to ensure that the transition to a Scottish Parliament creates a business-friendly environment. I have spoken often to many groups in Scotland, and they have accepted 11 September. They have sought reassurances about a level playing field, and, in large measure, we have given them.

Dr. Fox: Does the Minister accept that, for many Scottish businesses, the most important step in the creation of the level playing field was the introduction of the uniform business rate, which ended the iniquitous treatment that Scottish businesses had suffered for a long time? Any suggestion that that might be removed would be seen by businesses in Scotland as potentially removing the level playing field.

Mr. McLeish: Change makes individuals and companies apprehensive. We have tried to deal with that in our meetings.

I ask the House to resist amendment No. 59, which provides an opportunity to explain the Government's position on local taxation and say why it is a devolved matter. It will swiftly become clear that there is no need for any restriction on the Scottish Parliament's competence of the sort proposed by the amendment. The White Paper made it clear that local government and its financing will be devolved matters. Local government is essentially that: local. It is right and proper that it should be within the competence of the Scottish Parliament.

Local government provides major public services in respect of matters such as education, social work and a great deal more that are firmly within the ambit of the Scottish Parliament. Local government's structure and constitution are likewise rightly matters for it. Just as local government's main services and structure are matter for the Parliament, so, too, is its financing. Local government will spend a substantial proportion of the Parliament's budget. Local taxation is also rightly devolved, as it is not possible to examine local government without considering its financial arrangements and the tax base that supports its services. I do not think that there is serious argument about that in the House.

What choices will be open to the Scottish Parliament on local taxation? It will be open to the Parliament to amend or change the system of local taxes, but there is a widespread consensus that property-based taxes are an essential element of the local tax system, as they always have been. The one disastrous experiment with a non-property based tax for local government was the poll tax, for which Conservative Members must accept full responsibility. That was an object lesson in how unwise it is to tinker with any local taxation system, particularly in a biased and blinkered way.

Similarly, local business rates are an essential part of the local government finance system and, although they have been stable and widely accepted in Scotland in recent years, the Parliament should be able to change them—for example, to update and modernise them as necessary.

The policy of the Government on that issue is clear—changes in such things have to be handled carefully, and, in relation to business rates in particular, can be made only after careful consultation with the business community. We recognise the benefits of stability and predictability that the unified business rate has brought,

especially to businesses in Scotland. We will be consulting later this year on whether there should be some local discretion on the business rate, perhaps of the sort proposed by my hon. Friend the Minister for Local Government and Housing. However, it seems likely that it will fall to the Scottish Parliament to introduce any legislative change that it may consider necessary in the light of the outcome of that consultation.

Of course, local taxes can go up or down. It is the essence of local taxation that tax rates are set by councils, and there are no legal requirements that they must always go up. We have to bear it in mind that property-based taxes are not inherently buoyant—particularly if revaluations at the property base are infrequent, as is inevitable—so headline rates of tax, such as the UBR poundage, tend to rise even if, in real terms, the tax taken may be increasing no faster than the retail prices index. Indeed, it is right and proper that local taxation, along with local government finance and other local government issues generally, should be firmly within the ambit of the Scottish Parliament. I am in no doubt that the Scottish Parliament will deal with those issues wisely, well and sensitively.

Amendment negatived.

8 pm

Mr. McLeish: I beg to move amendment No. 282, in page 65, line 5, leave out from first 'of' to end of line 6 and insert

'Parts I and II of the Plant Varieties Act 1997 (plant varieties and the Plant Varieties and Seeds Tribunal).'.

I take some pride in moving this amendment—I think that this matter was raised by an Opposition Member. This is a technical amendment to the exception from the reservation of intellectual property, which is necessary to reflect the coming into force of the Plant Varieties Act 1997, which repealed and replaced the relevant provisions of the Plant Varieties and Seeds Act 1964. I commend the amendment to the House.

Amendment agreed to.

Mr. McLeish: I beg to move amendment No. 269, in page 65, leave out line 33.

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendment No. 270.

Mr. McLeish: These amendments refine the wording of the reservation of estate agency matters. They are fairly formal, and, given the time available, I beg to move.

Amendment agreed to.

Amendment made: No. 270, in page 65, line 41, at end insert—

'( ) the Estate Agents Act 1979.'.—*[Mr. McLeish.]*

Ms Roseanna Cunningham: I beg to move amendment No. 267, in page 68, line 27, leave out from beginning to end of line 35.

I shall be brief, as there is little time left. The amendment would effectively exclude from reservation the Radioactive Substances Act 1993. I do not want to go into a great rehearsal of the issues of nuclear power in Scotland, other than to remind hon. Members, if they need reminding, that that is a hugely controversial issue, and, remarkably, one which has not been discussed in the context of the Bill as far as I am aware.

Recent events, which I shall not go into, demonstrate the important part in the political debate that nuclear power plays in Scotland. I shall not rehearse the debate about Dounreay, but people in Scotland have a passionate desire to have a say in that matter. The devolved powers as they relate to transport, the environment and planning will all have a capacity to impact on Dounreay. We should go that one step further, and I must insist on pressing the amendment.

Mr. Dalyell: I merely want to register a view diametrically opposed to that of the hon. Member for Perth (Ms Cunningham). Any unbundling of the United Kingdom nuclear set-up would be a disaster.

Mr. McLeish: Nuclear energy is reserved to ensure the continued existence of a single coherent regulatory framework in that extremely important industry. The balance between reserved and devolved matters in regard to nuclear energy is a sensible one. If accepted, the amendment could lead to fragmentation, confusion and weaker regulation—the opposite, I am sure, of what is desirable. I invite the hon. Lady to withdraw it.

Ms Roseanna Cunningham: No, I wish to press the amendment.

Question put, That the amendment be made:—

The House proceeded to a Division—

Mr. Edward Leigh (Gainsborough) (*seated and covered*): On a point of order, Mr. Deputy Speaker. You will be aware that, under these procedures, we had only 15 minutes for a debate on euthanasia—a very important debate, in which I wanted to take part. Now, because this Division has taken unusually long, we shall have no time at all to debate those matters of life and death. I wonder why this Division has taken so long, what is going on, and whether we can speed it up.

Mr. Deputy Speaker: I deplore the length of time that has been taken over this Division. Normally I would have asked the Serjeant at Arms to go and investigate, but, because of the small amount of time involved, I have not done so on this occasion. However, I will certainly ensure that inquiries are made as to what has happened.

The House having divided: Ayes 6, Noes 289.

Division No. 281] **[8.3 pm**

AYES

Cunningham, Ms Roseanna *(Perth)*
Dafis, Cynog
Jones, Ieuan Wyn *(Ynys Môn)*
Salmond, Alex
Swinney, John
Wigley, Rt Hon Dafydd

Tellers for the Ayes:
Mr. Andrew Welsh and
Mr. Alasdair Morgan.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Austin, John
Banks, Tony
Barnes, Harry
Bayley, Hugh

Beard, Nigel
Benton, Joe
Berry, Roger
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Keith *(Withington)*
Bradshaw, Ben
Breed, Colin
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Paul
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chidgey, David
Chisholm, Malcolm
Clapham, Michael
Clark, Paul *(Gillingham)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbett, Robin
Corston, Ms Jean
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Denham, John
Dewar, Rt Hon Donald
Dismore, Andrew
Dobbin, Jim
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galbraith, Sam
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gorrie, Donald
Grant, Bernie
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Healey, John
Heath, David *(Somerton & Frome)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kennedy, Charles *(Ross Skye)*
Khabra, Piara S
Kidney, David
King, Andy *(Rugby & Kenilworth)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Lawrence, Ms Jackie
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Livingstone, Ken
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McLeish, Henry
McNulty, Tony
McWilliam, John
Mahon, Mrs Alice
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Martlew, Eric
Meacher, Rt Hon Michael
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Norris, Dan
Oaten, Mark
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Jane Kennedy and
Mr. Clive Betts.

Question accordingly negatived.

Dr. Fox: On a point of order, Mr. Deputy Speaker. I wonder whether, given that this is one of the first occasions when we have had such a detailed timetable for a Bill, you might wish to report back to Madam Speaker the length of this Division—18 minutes. It is a clear attempt by the Government to avoid having to discuss

what is for them an awkward ethical issue, and it is not only an act of blatant cowardice on their part, but contrary to the spirit in which we have hitherto conducted discussion of the Bill.

Mr. Leigh: Further to that point of order, Mr. Deputy Speaker. Setting aside the issue of the length of time, I thought that we had reached a civilised agreement that we would ensure that all matters were properly debated, despite there being a guillotine. I therefore hope that you can raise this matter with Madam Speaker, and if necessary allow Division time to be treated, as it were, as injury time.

This has been a very long Division; but even if it had been held promptly and had taken only 15 minutes, we should have been left with only five minutes in which to discuss whether euthanasia should be reserved to the United Kingdom Parliament. That is unsatisfactory, and I hope that you will—

Mr. Deputy Speaker: Order. I have dealt in part with that point of order, and said that I deplore what has happened. Madam Speaker always takes a great interest in these matters, and no doubt she will have a view on this as well. Further discussion is simply taking time out of the next debate.

Mr. Allan Rogers (Rhondda): On a point of order, Mr. Deputy Speaker. On a point of information, which I am sure you could supply, am I to understand that the Standing Orders relating to the conduct of business in this place were drawn up by the previous Administration?

Mr. Deputy Speaker: That is not a matter for the Chair to deal with at this time.

It being more than four hours and fifteen minutes after the commencement of proceedings on consideration of the Bill, MR. DEPUTY SPEAKER, *pursuant to the Order [13 January] and the Resolution [12 May], put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Amendments made: No. 233, in page 78, line 14, at end insert—

'Scottish public authorities

1A.—(1) This Schedule does not reserve any Scottish public authority with mixed functions which is not a cross-border public authority.

(2) For the purposes of this paragraph, a Scottish public authority has mixed functions if some of them relate to reserved matters and some do not.

1B. Paragraph 1 of Part I of this Schedule does not reserve any Scottish public authority with functions none of which relate to reserved matters.

Interpretation'.

No. 234, in page 78, line 17, leave out from 'effect' to end of line 22 and insert

'at any time within the period ending with that day and beginning with the day on which this Act is passed, as it had effect immediately before that time'.—*[Mr. McFall.]*

New clause 19

AGREED RE-DISTRIBUTION OF TRANSFERRED FUNCTIONS

'.—(1) Her Majesty may by Order in Council provide for any functions exercisable by a member of the Scottish Executive to be exercisable—

(a) by a Minister of the Crown instead of by the member of the Scottish Executive,

(b) by a Minister of the Crown concurrently with the member of the Scottish Executive, or

(c) by a Minister of the Crown only with the agreement of, or after consultation with, a member of the Scottish Executive.

(2) Where an Order is made under subsection (1)(a) or (b) in relation to a function of the Scottish Ministers, the First Minister or the Lord Advocate which is exercisable only with the agreement of, or after consultation with, another person, the function shall, unless the Order provides otherwise, be exercisable by the Minister of the Crown free from any such requirement.

(3) An Order under this section may, in particular, provide for any function exercisable by a Minister of the Crown by virtue of an Order under subsection (1)(a) or (b) to be exercisable subject to a requirement for the function to be exercised with the agreement of, or after consultation with, another person.'—*[Mr. McFall.]*

Brought up, read the First and Second time, and added to the Bill.

Schedule 7

MODIFICATIONS OF ENACTMENTS

Amendments made: No. 235, in page 83, line 16, at end insert—

'Public Revenue (Scotland) Act 1833 (c.13)

. In section 2 of the Public Revenue (Scotland) Act 1833 (regulation of Queen's and Lord Treasurer's Remembrancer), for "Treasury" in both places there is substituted "Scottish Ministers".'.

No. 236, in page 83, line 27, after 'the', insert 'part of the'.

No. 237, in page 83, line 40, at end insert—

'Sheriff Courts and Legal Officers (Scotland) Act 1927 (c.35)

.—(1) The Sheriff Courts and Legal Officers (Scotland) Act 1927 is amended as follows.

(2) In section 1(2) (appointment etc. of procurator fiscal), "with the consent of the Treasury" is omitted.

(3) In section 2 (appointment of sheriff clerk and procurator fiscal deputes), "with the consent of the Treasury as to numbers and salaries" is omitted.

(4) In section 3 (whole-time sheriff clerks and procurators fiscal and deputes), "and in either case with the consent of the Treasury" is omitted.

(5) In section 5 (whole-time clerks), "with the consent of the Treasury as to numbers and salaries" is omitted.

(6) In section 12 (prosecutions at instance of procurator fiscal), "after consultation with the Treasury" is omitted.

Administration of Justice (Scotland) Act 1933 (c.41)

. In the Administration of Justice (Scotland) Act 1933, in sections 24(7) and 25 (officers of Court of Session, etc.), "and shall be exercised on nomination by the Lord Advocate" is omitted'.

No. 238, in page 84, line 8, after 'against', insert 'any part of'.

No. 239, in page 84, leave out lines 25 to 34 and insert—

' "(e) a part of the Scottish Administration, in any proceedings against that part or against the Lord Advocate on its behalf, shall not be entitled to avail itself of any set-off or counterclaim if the subject matter thereof relates to another part of the Scottish Administration or to the Crown in right of Her Majesty's Government in the United Kingdom.".'.

No. 240, in page 84, line 36, at end insert—

'Public Registers and Records (Scotland) Act 1948 (c.57)

. In section 1(1) of the Public Registers and Records (Scotland) Act 1948 (appointment, etc. of Keeper of the Registers and Keeper of the Records), for "Secretary of State" there is substituted "Scottish Ministers".'

No. 241, in page 85, line 8, at end insert—

'Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c.49)

. In section 1(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (power of Secretary of State to appoint Registrar General), for "Secretary of State" there is substituted "Scottish Ministers" '.

No. 242, in page 85, line 8, at end insert—

'Pensions (Increase) Act 1971 (c.56)

. In Part II of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions out of local funds), before paragraph 39 there is inserted—

"Scottish Parliament and Scottish Executive

38A. A pension payable under a scheme established by virtue of section 76(4)(b) of, or paragraph 3(4)(b) of Schedule 2 to, the Scotland Act 1998." '.

No. 243, in page 85, leave out lines 16 and 17.

No. 244, in page 85, line 22, leave out from beginning to 'an' and insert

'references to an Act of Parliament shall be read as references to'.

No. 245, in page 85, line 25, at end insert—

'( ) In section 3(4) (evidence), references to a government department include any part of the Scottish Administration'.

No. 246, in page 85, line 40, at end insert—

'Education (Scotland) Act 1980 (c.44)

. In section 135(1) of the Education (Scotland) Act 1980 (interpretation), in the definition of "Her Majesty's inspectors", "on the recommendation of the Secretary of State" is omitted'.

No. 247, in page 86, line 42, after '1983' insert

'(members of House of Commons suffering from mental illness)'.

No. 248, in page 86, leave out lines 1 to 5 and insert

'and

(b) subsection (7) were omitted.".'.

No. 249, in page 86, leave out lines 10 and 11 and insert—

'( ) any Scottish public authority to which paragraph 1A or 1B of Part III of Schedule 5 to this Act applies'.

No. 250, in page 86, line 11, at end insert—

'Bankruptcy (Scotland) Act 1985 (c.6)

. For section 1 of the Bankruptcy (Scotland) Act 1985 there is substituted—

"Accountant in Bankruptcy

1.—(1) The Accountant in Bankruptcy shall be appointed by the Scottish Ministers.

(2) The Scottish Ministers may appoint a member of the staff of the Accountant in Bankruptcy to be Depute Accountant in Bankruptcy to exercise all of the functions of the Accountant in Bankruptcy at any time when the Accountant in Bankruptcy is unable to do so".'

No. 251, in page 86, leave out lines 13 to 19 and insert—

'. In section 427 of the Insolvency Act 1986 (members of House of Commons whose estates are sequestrated etc.), after subsection (6) there is inserted—

"(6A) Subsections (4) to (6) have effect in relation to a member of the Scottish Parliament but as if—

(a) references to the House of Commons were to the Parliament and references to the Speaker were to the Presiding Officer, and

(b) in subsection (4), for "under this section" there were substituted "under section 14(1)(b) of the Scotland Act 1998 by virtue of this section".'.

No. 252, in page 87, line 12, at end insert—

'Prisons (Scotland) Act 1989 (c.45)

.—(1) The Prisons (Scotland) Act 1989 is amended as follows.

(2) Section 2 of that Act (appointment of officers, etc.) is omitted.

(3) In section 3(1) (prison officers), for the words following "Secretary of State" there is substituted—

"(1A) Every prison shall have a governor and such other officers as may be necessary".

(4) In section 3A (medical services)—

(a) in subsection (2), for "appointing" there is substituted "providing" and for "appointment" there is substituted "provision", and

(b) in subsection (4), for "appointed" there is substituted "provided".

No. 57, in page 87, line 16, at end insert—

'Scottish Land Court Act 1993 (c. 45)

. In section 1 of the Scottish Land Court Act 1993 (the Scottish Land Court)—

(a) in subsection (2), for "Secretary of State" there is substituted "First Minister", and

(b) after subsection (2) there is inserted—

"(2A) Before recommending the appointment of a person as Chairman, the First Minister shall consult the Lord President of the Court of Session".'.—*[Mr. McFall.]*

Schedule 8

REPEALS

Amendments made: No. 253, in page 88, line 28, at end insert—

'1927 c. 35.	The Sheriff Courts and Legal Officers (Scotland) Act 1927.	In section 1(2), "with the consent of the Treasury".
		In section 2, "with the consent of the Treasury as to numbers and salaries".
		In section 3, "and in either case with the consent of the Treasury".

		In section 5, "with the consent of the Treasury as to numbers and salaries".
		In section 12, "after consultation with the Treasury".
1933 c. 41.	The Administration of Justice (Scotland) Act 1933.	In sections 24(7) and 25, "and shall be exercised on nomination by the Lord Advocate" '.

No. 254, in page 88, line 36, at end insert—

'1980 c. 44.	The Education (Scotland) Act 1980.	In section 135(1), in the definition of "Her Majesty's inspectors", "on the recommendation of the Secretary of State" '.

No. 255, in page 88, line 41, at end insert—

'1989 c. 45.	The Prisons (Scotland) Act 1989.	Section 2'.

—[Mr. McFall.]

Clause 111

INTERPRETATION

Amendments made: No. 204, in page 49, line 39, leave out 'a Royal Warrant'.

No. 205, in page 50, line 12, at end insert—

' "prerogative instrument" means an Order in Council, warrant, charter or other instrument made under the prerogative'.

No. 206, in page 50, line 18, at end insert—

' "Scottish public authority" means any public body, public office or holder of such an office whose functions (in each case) are exercisable only in or as regards Scotland'.

No. 207, in page 50, leave out lines 19 and 20.—*[Mr. McFall.]*

Mr. McLeish: I beg to move amendment No. 264, in page 50, line 29, at end insert—

'( ) the general principles of private law (including private international law)'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: Government amendment No. 209.

No. 118, in page 50, line 33, leave out 'of restitution' and insert 'arising from unjustified enrichment'.

No. 119, in page 50, line 35, leave out 'and'.

Government amendments Nos. 210, 211 and 265.

No. 120, in page 50, line 38, at end insert

'and—

(e) Scottish Private International Law (Jurisdiction and Choice of Law).'.

Government amendment No. 266.

Mr. McLeish: During consideration in Committee of amendments that the hon. and learned Member for Orkney and Shetland (Mr. Wallace) tabled to clause 111(3), I said that I would consider further some of the issues raised by his amendments. Government amendments Nos. 209 to 211 and 264 to 266 are the result of detailed consideration of our further discussion.

Amendment No. 264 adds the general principles of private law, including international private law, to the list of areas of the civil law of Scotland that come within the ambit of Scots private law.

Amendment No. 209 amends the reference to the area of the law of obligations, to avoid the overlap between voluntary and conventional obligations and obligations of restitution.

Amendment No. 210 amends the reference to the area of the law of action, and ensures that the Scottish Parliament will have legislative competence to alter the jurisdiction of the courts in this area.

Amendment No. 211 further amends the reference to the area of the law of action to reflect the fact that prescription more properly belongs to the law of obligations.

Amendment No. 265 provides that, for the purposes of the legislative competence of the Scottish Parliament, references to Scots private law include administrative law. This is intended to make it clear that the Scottish Parliament will be able to legislate about judicial review and matters of that kind.

Amendment No. 266 ensures that the power to alter the jurisdiction of the courts in respect of Scots criminal law is within the competence of the Scottish Parliament.

In the drafting of these amendments, full consideration has been given to the points raised by the Law Society for Scotland and by Lord Gill, the chairman of the Scottish Law Commission, and the commission has said that it welcomes the proposals. I therefore commend the amendments to the House.

Mr. Wallace: I thank the Minister for having taken note of the points made in Committee. I believe that the amendments that the Government have tabled more than cover the points made in the amendments tabled by myself and my hon. and learned and hon. Friends. I welcome the fact that the Government listened and acted.

Mr. McLeish: I thank the hon. and learned Gentleman for his comments. Amendments Nos. 118 and 212 relate to issues similar to those dealt with by the Government amendments. In light of what I have said, the hon. and learned Gentleman has just given an indication that these will not be pressed. I thank him for the constructive contributions that have been made to this part of the debate.

Amendment agreed to.

Amendments made: No. 209, in page 50, line 32, leave out from 'including' to end of line 33 and insert

'obligations arising from contract, unilateral promise, delict, unjustified enrichment and negotiorum gestio'.

No. 210, in page 50, line 36, after 'including' insert 'jurisdiction,'.

No. 211, in page 50, line 37, leave out 'prescription and limitation' and insert 'limitation of actions'.

No. 265, in page 50, line 38, at end insert—

'and in section 28 include references to administrative law'.

No. 266, in page 50, line 39, at end insert 'jurisdiction'.

[Mr. McLeish]

No. 213, in page 50, line 42, leave out from 'Administration' to end of line 44 and insert

'are to the office-holders in the Scottish Administration and the members of the staff of the Scottish Administration.

(5A) For the purposes of this Act—

(a) references to office-holders in the Scottish Administration are to—

(i) members of the Scottish Executive and junior Scottish Ministers, and

(ii) the holders of offices in the Scottish Administration which are not ministerial offices, and

(b) references to members of the staff of the Scottish Administration are to the staff of the persons referred to in paragraph (a).

(5B) For the purposes of this Act, the offices in the Scottish Administration which are not ministerial offices are—

(a) the Registrar General of Births, Deaths and Marriages for Scotland, the Keeper of the Registers of Scotland and the Keeper of the Records of Scotland, and

(b) any other office the holder of which exercises functions conferred by an enactment and the power of appointment to which is exercisable by a member of the Scottish Executive.

(5C) Her Majesty may by Order in Council make any modifications of subsections (5) to (5B) which She considers necessary or expedient'.—*[Mr. McLeish.]*

Clause 112

INDEX OF DEFINED EXPRESSIONS

Amendments made: No. 214, in page 51, line 24, leave out 'body' and insert 'authority'.

No. 215, in page 51, line 24, at end insert—

'Devolved competence (in relation to the exercise of functions)	*Section 50'*

No. 216, in page 51, line 33, at end insert—

'Members of the staff of the Scottish Administration	*Section 111(5A)'*

No. 217, in page 51, line 35, at end insert—

'Offices in the Scottish Administration which are not ministerial offices	*Section 111(5B)*
Office-holders in the Scottish Administration	*Section 111(5A)'.*

No. 218, in page 51, line 41, at end insert—

'Prerogative instrument'	*Section 111(1)'.*

No. 220, in page 52, line 13, at end insert—

'Scottish public authority	*Section 111(1)'.*

No. 221, in page 52, leave out line 17.—*[Mr. McLeish.]*

Clause 114

COMMENCEMENT

Amendment made: No. 268, in page 52, line 30, at end insert—

'(3) Subordinate legislation may make such provision as the person making the legislation considers necessary or expedient for transitory or transitional purposes in connection with the coming into force of any provision of this Act.'.—*[Mr. McLeish.]*

Title

Mr. McLeish: I beg to move amendment No. 271, in line 4, leave out 'bodies' and insert 'authorities'.

I have the satisfaction of rising to speak on the final Government amendment to the Bill. It is purely technical, it changes a reference in the long title, and it is consequent on previous amendments.

Amendment agreed to.

Order for Third Reading read.

8.30 pm

The Secretary of State for Scotland (Mr. Donald Dewar): I beg to move, That the Bill be now read the Third time.

I am grateful to you, Mr. Deputy Speaker, and to the House for the patience shown in a lengthy and protracted series of discussions. I confess that we are in no atmosphere of histrionics or high drama, but I hope that my colleagues will forgive me if I show some satisfaction at reaching the final stage of the Bill.

I do not want to rehearse all that has happened—that would take many days—but I am entitled to look back to last May and on all that has been achieved since then. Much progress has been made: the White Paper last July was complex, lucid, and above all, popular; the referendum in September was carried handsomely and without qualification on both questions, ending the argument on consent; and the Bill itself had two days on Second Reading, followed by what might lightly be called extensive, and exhaustive, consideration in Committee and on Report.

Mr. Dalyell: Before the Secretary of State leaves the subject of the referendum, will he clear up a question that bothered us earlier? Does the Scottish Parliament have the power to trigger and initiate a referendum on independence?

Mr. Dewar: The constitutional structure of the United Kingdom is a matter for the whole country, and for the UK Government. However, as I have always made clear—I may say a word or two more on the matter later—any point of view, political or otherwise, can be advanced if the people's loyalty and votes can be obtained for it. I have made it clear repeatedly, and throughout our proceedings, that that is my view.

Although my hon. Friend the Member for Linlithgow (Mr. Dalyell) and I have once or twice had, if not cross words, somewhat tense exchanges, I pay tribute to his persistence and tenacity. When I came to the House in 1978 as a retread after the Garscadden by-election, I watched my hon. Friend fight very hard against the

passage of the Scotland Act 1978. I find it a little eerie, but remarkable, that he is still here fighting the same corner just as hard as he ever did.

I also pay genuine tribute to my hon. Friend the Minister for Home Affairs and Devolution, Scottish Office, who has borne the brunt of the battle for a long time. He has shown patience beyond the call of duty, and has always been courteous, helpful to the House and well informed. He has been a first-class colleague, and has carried a lot of the burden of the Committee and Report stages. I am very grateful to him.

I also congratulate and thank others who have played a role. I have had exchanges with, among others, the hon. Member for Banff and Buchan (Mr. Salmond); I have the feeling that there may be further exchanges in future. I look forward to starring on many more billboards, courtesy of the Scottish National party, in the period that lies ahead. I may even go into that business myself—who knows?

Let us not forget the Conservatives and the right hon. Member for Devizes (Mr. Ancram), who thought that he had fled Scotland and the troubled times of the past to make a new home in a more settled environment, only to find himself sucked back into the maelstrom of Scottish politics. He found himself in the particularly unfortunate position of having no policy to promote or defend, and I think that he and his colleagues have busked most bravely. Finally, my parliamentary private secretary and many of my colleagues have also helped.

I shall say just a word to you, Mr. Deputy Speaker, and your colleagues, whose work is often underestimated, but who have listened to many speeches. Perhaps some of them did not reach inspirational heights, but they are all part of the daily machinery of the parliamentary process. I speak for all my colleagues in expressing thanks to you and your colleagues.

I hope that the House will feel that our proceedings have been worth while. The Bill is sound; provides a coherent framework; and divides responsibility between Scotland and Westminster in a strong and logical way. The idea was to strengthen the voice of Scotland within the UK, and to put in place a structure that left at Westminster that which should be at Westminster—the most obvious matters are foreign affairs, defence, macro-economics and fiscal matters. However, we have also left at Westminster the means to define the level playing field that is the United Kingdom. I do not want to labour the point, which the House has grasped, but matters such as financial services regulation, labour law and company law remain at Westminster.

What Scotland receives is a remarkable range of powers affecting health, education, housing and law reform. Scottish affairs will be run by a directly elected Parliament that will precisely reflect the opinions and great mix of points of view expressed on the Scottish political scene.

Mr. William Cash (Stone): I understand why the Secretary of State places great emphasis on the Scottish dimension, but he must realise that 97 per cent. of the money that Scotland receives in grants and so forth comes from the United Kingdom Parliament. Does he accept that, although the Scottish dimension is important, it remains fundamental to the concept of a united kingdom that the amount of money paid by our taxpayers should be properly reflected in the proportion of power that is dispersed to Scotland?

Mr. Dewar: I accept that we hold firmly to the partnership principle in the United Kingdom. I have probably said that often enough, and probably to the hon. Member for Stone (Mr. Cash). Everyone in the UK pays direct or indirect taxes; the Government collect various revenues; and the whole lot is pooled and allocated on an agreed basis. I recognise that there has been debate about that basis—the hon. Gentleman is probably one of those who have taken part.

The Barnett formula ensures that the Scottish budget is adjusted broadly in line with comparable UK spending Departments. That mechanism was tried, tested and fiercely defended as right during 18 years of Conservative Government. The hon. Member for Stone is entitled to dissent; indeed, all my memories of him have him as a pillar of dissent on almost every matter of importance during those years. I hope that he accepts that I recognise the importance of getting the balance right. I have talked of that balance, and the balance of what remains at Westminster, and the hon. Gentleman is right to mention an important issue. I am glad to have had his help in outlining the facts.

I shall mention one or two other features of the Bill, which most people have grasped. Because the Parliament is unicameral, great emphasis must be placed on pre-legislative scrutiny, proper consultation and proper discussion with the community of Scotland before final decisions are made about legislation. It is easy to say that, and I accept that a great deal of work will have to be done to get the systems refined, in place and working properly. Everyone is in favour of them in principle, but that does not mean that it is entirely clear how they will work, or that people will always have the staying power to make them work, once they are in place.

It is important that that remains part of our objective. The structure that we are now passing on to another place makes it essential that that effort is made. I am glad that there is a discussion, which I hope will continue, between parties and between other interested bodies in Scotland about how that can best be achieved. I know that my hon. Friend the Minister of State is closely involved in that.

Another self-evident protection that is relevant in view of the unicameral nature of the system is the new electoral system. I keep saying—I am not sure to what effect—that the Government whom I represent and the party of which I am a member deserve great credit for breaking the mould. One of the most far-reaching changes in the Bill is undoubtedly the direct linking of the percentage of votes gained by a party to the number of seats that will be allocated to it in the new Parliament.

Mr. Jenkin: It is a midden.

Mr. Dewar: I am delighted to hear that from a sedentary position the hon. Member for North Essex (Mr. Jenkin) is doing his best, even in that unlikely outpost, to keep the Scots language alive. He seems to suggest that the Bill is a midden. I should like to hear him trying out that expression at the next tea party of the North Essex Conservative association. It would be, to use a happy metaphor, a Pygmalion scene.

[Mr. Dewar]

The electoral system is a vital part of the new politics in Scotland. Clearly, people will have to learn how the system operates. They will have to understand that they have two votes—one for their individual Member of the Scottish Parliament, who will represent them on a normal constituency first-past-the-post system, and a second vote that they can cast in terms of a party preference and which will be part of a corrective mechanism to ensure that the number of seats allocated is brought into line with the percentage of votes.

I occasionally meet cynics, although I am sure that there are few in the House, who tell me that that is too complicated for the average voter in Scotland. I do not believe that, but the significance of the system will have to be argued and explained. That important work lies ahead.

Mr. Ancram: The right hon. Gentleman used a rather strange expression. He said that the first vote would be for the constituency Member of the Scottish Parliament who would represent the voter. In that case, what does the second type of Member of the Scottish Parliament do? Whom do those MSPs represent?

Mr. Dewar: I was merely drawing attention to the simple structure that we have introduced, which the right hon. Gentleman knows well. There are some interesting arguments to be conducted on the subject. It is one of several subjects on which I differ from the Scottish National party, which has suggested mechanisms that would make a sharp distinction between those who are elected in the first-past-the-post constituency section and those who are additional Members. I do not think that we should see such a distinction. All the Members of the Scottish Parliament have a representative capacity.

My knowledge of European politics is not as detailed as that of some hon. Members, but I have visited Germany and spoken to people from the CDU, CSU, SPD and so on. My experience is that no distinction is made there, and no distinction is seen by members of the public. That is what we should aim at, although I accept that, as it is a new system, it may take some time for us to reach that position.

Mr. Salmond: The Scottish National party has not suggested any such sharp distinction. We questioned the scale of expenses required, as I think the Minister of State will confirm.

I wanted to be helpful to the Secretary of State. I have been looking at the record and, as far as I know, the Conservative party in Scotland is the only major political party in democratic history to say that it will put up only 73 candidates for a 129-Member Parliament. I know of no other party that has said that it will not try to fill all the seats available. That is an extraordinary position.

Mr. Dewar: I always respond when the hon. Gentleman is anxious to be helpful. I shall not say that I treasure the moment, as that might suggest that it is rare, and it does not necessarily have to be rare. I was not aware of that eccentricity of the Conservative party, and it seems remarkable. The hon. Gentleman seems to be suggesting—I look to see whether there is a confirmatory nod from the wise and sage right hon. Member for Devizes—that the Conservatives will contest the first-past-the-post seats, but will not take up any list seats allocated to them.

Mr. Ancram: That is not true.

Mr. Dewar: Ah. There is a little mystery here. The right hon. Member for Devizes may want briefly to clarify the matter, within the rules of order, if only so that he will not be misrepresented by the hon. Member for Banff and Buchan in future. We would all want to avoid that.

I said that I would be brief, but I have been sidetracked, albeit pleasantly, by colleagues. The new electoral system is a brave reforming move. It was introduced on a matter of principle, because we believed that, on balance—there are always pros and cons and differences to be weighed up—it would produce a healthier democracy in Scotland, and a system that would be seen as fairer and more representative of all the various opinions in our political range. I have no doubt that it will have a remarkable and far-reaching impact on Scottish politics.

The system is built to last. On occasions such as this, dire predictions are always made of trouble and strife. No one can rule out tensions, constructive and otherwise, in the future. We have, however, tried to accommodate that. As hon. Members will know, we have included a provision for dispute resolution. We have given a place, which has turned out to be surprisingly controversial, to the Judicial Committee of the Privy Council. We have tried to lay down ground rules in the form of concordats. I believe that that is a sensible way of proceeding, but I concede—

Mr. Swinney: The Secretary of State mentioned concordats. How many concordats does he envisage will be put in place as a result of the legislation and the process dialogue between the Scottish Executive and the Westminster Parliament?

Mr. Dewar: A good deal of consultation is going on. The process of government, as the hon. Gentleman knows, is a process of discussion, dialogue, bid and counter-bid, leading to consensus and a common position that can be implemented. It is sensible for us to have ground rules, which is the purpose of concordats. We have made it clear, of course, that they do not reach a final form until they have been seen by the Scottish Executive, which is a party to them. They are not documents which are binding in law. Anyone who has moved, however uneasily or temporarily, through the labyrinth of government will know that precedents that have been established by agreement tend to hold. I believe that they will be helpful. Some will be more in the public interest than others, but I believe that all have a part to play in trying to shape the dialogue—which is the stuff of government—and ensure that it is constructive and serves the public well.

Mr. Dalyell: May I ask the Secretary of State a question, in a reflective spirit, about concordats? Through no fault of his, but because of the guillotine procedure, we did not discuss properly the position of the Secretary of State after May 1999. As a putative leader of a party in Holyrood, how does he envisage the role of Secretary of State in the House? Would he be content to see negotiations on the most delicate matters conducted by

someone who did not have the status of Cabinet Minister—a status that the present Secretary of State enjoys? Would not the First Minister in Holyrood prefer to deal directly with the Government in London? Does not the position of Secretary of State evaporate?

Mr. Dewar: I do not think that it evaporates, but it certainly changes—it would be very odd if it did not. One of the prime aims of devolution is to achieve a more democratic and effective ministerial structure in place of the Secretary of State. I say in a reflective mood to my hon. Friend that, in the past year, I have had good cause to appreciate the force of that argument. It is extremely difficult to try to duplicate eight or nine United Kingdom Ministries in Scottish terms. I sometimes envy the Minister who has steeped himself in his portfolio and who has spent two or three years doing nothing but mastering the intricacies of education, for example, as I move inevitably—with what I hope is reasonable facility—between education and health, on to law reform and back to the problems of local government finance. That is not easy to do.

Whatever one thinks about the balance of the devolution argument, by looking at the machinery and the proposals in the Bill, one can see that one of the pluses will be that several Scottish Ministers—the number obviously depends on the judgment of the First Minister and his colleagues—will become not generalists but specialists in those areas. There will perhaps be a rather different dynamic between Parliament and Minister and between Minister and Administration as a result.

Therefore, the Secretary of State will lose many of the tasks that presently dominate—and I do not use that word lightly—his life. I believe that any Government in the United Kingdom will require a Minister of seniority who will have the task of interpreting what is happening in Scotland and providing advice to Government. That job will become particularly important if the Administrations in Edinburgh and London are of different political colours. No Secretary of State is a statutory animal—no one knows that better than the hon. Member for Linlithgow. A Prime Minister can decide to amalgamate ministries or simply cause a ministry or a Secretary of State to disappear—I refer not to the occupant but to the office itself. However, I do not anticipate that happening in this case. I believe that, for the foreseeable future, we shall need such a person in the United Kingdom Cabinet. Of course, I recognise that a change will take place—I glory in that change and I believe that it is at the heart of the argument for the devolution settlement.

I shall try to hurry on as I am delighted to see several hon. Members poised to enter the debate. I believe that there are other areas where the provisions of the Bill will give to Scotland a new dimension and new horizons. Schedule 5 provides the basis for the European activities of the Scottish Administration: a representative office in Brussels. I hope that Scotland will have the opportunity to compete with the Spanish autonomous provinces, the German Länder and the Italian provinces. Anyone who has spent time in Europe—even I, who have been there only to sample occasionally—knows that there is a great deal of activity at that level in Europe and that not all the power broking, discussions and arrangements are made at national Government level. I think it is important that Scotland gets involved there.

I said a few minutes ago that I hoped that the system was built to endure. We aim to give the Parliament the chance to prove its worth. I recognise that, for the nationalists in particular, it is a transitory matter: a transitional arrangement. They view it as being inherently unstable—although they may protest, as they have tonight, that they believe in the good government of Scotland. I simply repeat my position, which is well known: we should get down to tackling the tasks that are important to people in Scotland, whether they involve housing, education, law reform or the field of employment. We should not be plunged immediately into an endless debate about whether we do or do not need further constitutional change.

I have said repeatedly—and I shall do so again—that I believe in the sovereignty of the people. I do not want to sound as though I am repeating an old refrain or an old song: it is a matter of fundamental importance. I believe that power lies with the people. However, acceptance of that position does not imply that we should prejudge the way in which that power is exercised or what the final outcome should be. It would be arrogant to assume that the people will want to go down a particular road at a particular time and will not occasionally change their mind. I believe that our aim must be to convince people of the worth of the policies and mechanisms that we offer and upon which they must decide at the end of the day.

The devolution settlement is exactly what it says and the constitutional framework is reserved in schedule 5—and self-evidently so. I repeat what I have always said: the way to exercise our power is for parties of whatever point of view or opinion to carry the people at the ballot box. If they do that, they are obviously in a position to progress their cause. I do not believe that people will want to do other than give the Parliament that they created with their votes the chance to flourish, prove its worth and to serve the people. I believe that most people want to see it enjoy the very substantial—and, in many ways, the radical and brave—powers that will be allotted to it by this Parliament if the Bill completes its passage. This Parliament is taking that decision, which must be endorsed by a majority in this Parliament representing the whole of the United Kingdom.

What I believe Scotland wants, and what I hope will be granted, is a Parliament that will take seriously the problems that oppress and inhibit and build social and economic barriers in our communities, and which will reflect and respond to the views of people in Scotland. This is a matter for the electorate, but in my view we do not want further constitutional debate which could only distract and which would be in danger of smothering the real issues.

I understand that I have not mentioned the Liberal Democrats over the past 20 minutes or so, which seems a little churlish as they stood by us in the Scottish Constitutional Convention and have certainly played a good and constructive role in the debate. I am not in their pockets and they are not in mine, as will become increasingly clear as the days go by, but I appreciate their whole-hearted support in what has been, and essentially remains, a common cause in terms of the structure of government in Scotland and our relationship to the rest of the United Kingdom.

The Bill will now move on to the Lords. Someone said to me this afternoon—it must have been a Conservative because, I am told, the Conservatives believe in fun—that

[Mr. Dewar]

when it goes to the Lords it will be great fun. I do not know whether it will be great fun and I do not think that that is a term that I would apply. Their lordships will take matters seriously. They are entitled—and, arguably, have a duty—to do so. I shall watch with interest their no doubt expert debates, especially on the more abstract constitutional issues, which, to be fair, lie at the heart of the Bill.

I believe, however, that the upper House, like this House, will take the view that the referendum ended the argument on consent and that, although people of good will will want their say about detail, they will give a fair wind to one of the most exciting and important constitutional changes in this country for many years. I am unashamedly proud of what has been achieved—the coming together of diverse interests in Scotland—and have been impressed by the number of people who have said to me, "I didn't vote for your side in the referendum, but the decision now having been taken, I want to make it work and to get the best out of it in the interests of Scotland." There is determination to work with the grain of the new system.

Mr. Owen Paterson (North Shropshire): Will the Secretary of State give way?

Mr. Dewar: No, I am coming to the end of my remarks.

To be fair, despite much wavering on the road, many Conservatives, especially in Scotland, take that view. The message has still to trickle down—to use a favourite Conservative phrase—to other parts of the parliamentary party, which are difficult to reach. I hope that we can continue that feeling of co-operation.

The structures of our constitution will never be the same again and the face of Scottish politics will change for ever. I put this delicately, because I am aware that it may be a sensitive subject: after listening to recent contributions from Conservative Members, I believe that a lot of interesting thinking is going on about the implications for the wider United Kingdom of the brave stance and brave steps that we are taking and inviting the House to endorse.

I believe that it is right to say that nothing will be the same again and I am convinced that that will be for the better. We shall enrich the democracy of the United Kingdom and Scotland will play a full, fair and significant part in its future.

9.1 pm

Mr. Ancram: Tonight we come to the end of a very long haul. I join the Secretary of State in thanking you, Mr. Deputy Speaker, and your fellow Chairmen and the Clerks of the House for the way in which business has been conducted over the past four months. Indeed, it would be churlish not to offer some tribute to the right hon. Gentleman and to the Minister of State for their stamina in driving the Bill through the House. I know the preparation that goes into taking Bills through Parliament, and I recognised on occasion the hunted look that comes across the face of a Minister at the Dispatch Box towards the end of a long and wearisome day, when yet another question not covered in his brief comes winging its way towards him.

I congratulate the Secretary of State on getting his Bill thus far. The Minister of State has left the Chamber, but I pay that tribute to him as well. Having said that, I am amazed that it has taken so long. For once, the Government cannot place an iota of blame at the Opposition's door for holding up the Bill, because we have worked throughout to an agreed timetable. When I signed up to the timetable in January, I thought that the Bill would be clear of the House by the end of March. I suspect that the Government are quietly beginning to panic about the timetable for the project, and I trust that they will not use that as an excuse to railroad the Bill through the other place.

As the Secretary of State conceded tonight, deep scrutiny is required on many matters to which we in this House could not do justice within the timetable. Despite pressure from myself and from my hon. Friends, many questions remain dangerously unanswered. The lateness of the Bill is entirely of the Government's making, and the obscurity that still surrounds great lumps of it is solely the result of their reluctance to answer questions. In fairness, the right hon. Gentleman occasionally tried to answer questions, but, as we witnessed earlier tonight, that usually led him and the Government into deep water. The Minister of State made an art form of not answering questions, and I fear that in that respect he did the Bill no favours.

I paid tribute to Ministers for their stamina in driving the legislation through, and driving is the right word. Steering is perhaps the more usual word, but it would be totally inappropriate in this case, as it carries the connotation of being prepared to move to meet the force of arguments and to take on board improving suggestions. That has not been the Government's way with the Bill. Almost all amendments have been rejected, no matter where they came from or what they sought to do. With few exceptions, even amendments that were tabled by Labour Back Benchers met the same, mostly unexplained, rebuffs as those that were tabled by the Opposition.

The Government have given a new meaning to the slogan "Not an inch". Even the proverbial donkey with a leg stuck on each corner normally proves more mobile than have the Government during the Bill's passage. When they were faced with an embarrassing issue such as euthanasia, they were prepared to use underhand methods to avoid debate. Their actions will not go unnoticed outside, not least among their supporters who believe, as we do, that this is an important issue.

The Government's arrogance will bring smiles of anticipation to the lips of lawyers. My old profession loves to see such Ministers because they are the guarantors of their future prosperity. Lawyers like Ministers who see concession as a weakness and admission of error as a character defect. I suspect that that is why they have enjoyed watching the Bill's progress. I fear that for many years it will be a dripping roast for lawyers on both sides of the border.

The legislation will feed not only lawyers: it will feed the suspicions of those who believe that there is an agenda behind the Bill. In the debate, the Minister of State exacerbated that feeling by the way that he dealt with the constitutional issue. He was asked a simple question by me and by the hon. Member for Linlithgow (Mr. Dalyell) about whether a Scottish Parliament could trigger a

referendum on independence. He ducked and weaved and refused to answer the question, leaving great suspicion in the minds of all who heard him.

When the Bill began its parliamentary voyage on 12 January, it left port to the sound of cheering crowds. Scottish newspapers heralded the Secretary of State as the father of the nation. The Government were the champions of Scottish aspirations, and the sunshine cruise to the smooth election of a Labour First Minister in a Cabinet in the Scottish Parliament was guaranteed to all who bought tickets. However, the voyage has gone badly wrong. The vessel, which was famously billed as the weapon that would kill nationalism stone dead—*[Interruption.]* Some vessels are weapons, as I am sure the Secretary of State would find if he asked the originator of that expression—the Secretary of State for Defence.

The vessel has run into an obstacle. The captain and crew became so convinced of their own importance that they stopped listening. The rest of us saw what was coming and warned about it, only to be called Jeremiahs. The Government listened even less. They stopped listening to views on where the Parliament would be sited. They started by saying that they would consult on that, but, in the end, they made the decision themselves. They stopped listening to people in Scotland and to hon. Members who warned that the Bill was fundamentally flawed in relation to money and to Europe. They saw every constructive criticism as an attempt to scupper the project, becoming so convinced by this political form of paranoia that, in the end, they would not even listen to their friends who tried to warn them as well.

When the Government first struck the growing mass of nationalism, they would not even admit that it was there. They assured us that there was nothing to worry about, and the band that was led by the Secretary of State played on. When we raised the dangers in the House, we were accused of somehow being anti-Scottish. How different matters are now. The Secretary of State's sober analysis in this debate, compared with the triumphant confidence of his speech on Second Reading, shows how much has changed. Nationalism is not just creeping up behind the Government: it threatens to overtake them. The nationalism which, by the Government's analysis, should be dead, is trampling all over them. No wonder the Labour party in Scotland describes them as

"economically inept, morally repugnant and spiritually bereft".

I am sure that people will remember that quotation.

We mark the passage to the other place of a Bill that arrived here in a mess.

Mr. Salmond: Will the right hon. Gentleman give way?

Mr. Ancram: I shall give way only once, because I do not want to waste time. I shall give way to the hon. Gentleman because I always enjoy his contributions.

Mr. Salmond: That quotation is absolutely accurate, but remember: the Scottish Labour party described the Labour Government as such because they were pursuing the policies of the right hon. Gentleman's Government.

Mr. Ancram: The hon. Gentleman has obviously made the same mistake as other hon. Members: they have not noticed that the Government changed last year. The Labour party is now in government. It is responsible for its actions and answerable to the House and the country for what it does. I am not going to accept responsibility for what the Secretary of State and his colleagues may do.

Tonight, we mark the passage out of the House of a Bill that arrived here a mess and leaves here a mess. If it were just any old Bill, I would probably temper my criticism in the knowledge that when, in due course, its errors and flaws became apparent, the blame for the damage would be laid at the Government's door. That would politically suit us, but this is not just any old Bill. It is a fundamental constitutional reform which will fundamentally alter the constitutional landscape not just of Scotland, but of the United Kingdom as a whole. The Government's failure during the Bill's passage not only to resolve the problems, but to concede even that they exist is of the gravest concern to all those of us who wish Scotland well in the devolved future that she has chosen and who believe also in the United Kingdom.

The Bill still carries the seeds of its own undoing. Far from achieving a glorious new Parliament and politics that would work in harmony with Westminster and Whitehall, it is riddled with irritants and omissions, which will ultimately only play into the hands of those who wish to create conflict between the two.

The Bill still creates unacceptable constitutional imbalance within the United Kingdom. The English dimension remains an arena for future resentment, conflict and division. It is almost unbelievable that the Bill finishes its process here tonight without the Government having even remotely agreed that that dimension, that problem, is real or serious.

The Secretary of State and his colleagues have repeatedly brushed that aside with contempt, painting it as an anti-Scottish figment of English political imagination, a last gasp by those who would stop devolution in its tracks. They have buried their heads in the sand and hoped that that awkward question would just fade away. It has not faded away and it will not. Indeed, they have succeeded merely in building into the legislation a flaw so fundamental and an irritant so pervasive that it remains a ticking time-bomb within their devolutionary reforms. They scoff at that description. Their English colleagues do not. While they claim that there is no need to do anything, we read in yesterday's *Financial Times* that their English colleagues are by no means so sanguine. Andrew Parker's piece in yesterday's *Financial Times* states:

"Ministers intend to recall the Commons regional affairs committee. It could be renamed the English grand committee and may, over time, acquire limited law-making powers.

Senior members of the government"—

so he had obviously got this from somewhere. The Secretary of State laughs, but the Government are the masters of spin. If they live by spin, they must die by it as well. Andrew Parker states:

"Senior members of the government believe that reviving the committee will help shore up the United Kingdom.

But ministers are also concerned at growing resentment over Scottish devolution among Labour MPs who represent English constituencies.

One senior member of the government said the recall of the regional affairs committee would help to neutralise that resentment.

A senior member of the government acknowledged that Scottish and Welsh devolution had to be balanced by a separate English forum."

[Mr. Ancram]

Now there is something different from the same Government who told us, effectively, that the English dimension existed only in our minds. We now hear that members of the same Government fear its consequences. At least some members of this Government are awake to the consequences of their ill-thought-out proposals. Sadly, however, the Scottish contingent is not.

What that senior member of the Government is offering goes nowhere near answering the West Lothian question, because it does not prevent Scottish and Northern Irish Members from voting on specifically English matters. All in all, it only goes to show the confusion that the Government have created in their own ranks and the muddle that they are in. I am only sorry that the United Kingdom is the victim of it.

Mr. Wallace: In the past few minutes, the right hon. Gentleman has described the proposals as ill thought out, carrying the seeds of their own undoing, a ticking time-bomb, a mess and creating an unacceptable constitutional imbalance. Indeed, from a sedentary position, the hon. Member for North Essex (Mr. Jenkin) described them as a midden. Will they vote against Third Reading?

Mr. Ancram: The hon. and learned Gentleman must bide his time. I have had to listen to many speeches by him, and I hope that he will do me the respect of listening to mine. I shall make my speech in my own way. So far, I have described only a small part of the deeply flawed nature of the legislation.

Mr. Salmond: Will the right hon. Gentleman give way?

Mr. Ancram: No. I do not want to take too long, and I have given way many times during the Bill's passage.

Quite simply, the mess goes on. The Government proclaim for the Bill—the Secretary of State proclaimed it again today—a proportional election system. As we have clearly demonstrated, such a system is clearly open to abuse—to manipulation by split-ticket voting for alter ego parties—in a way that could outrageously distort the result. Would the Government listen to what we said? What a hope. Concern about the issue was voiced even by the Under-Secretary of State for Wales, the hon. Member for Bridgend (Mr. Griffiths), during the passage of the Government of Wales Bill—but not by his Scottish counterpart, to whom admission is apparently tantamount to defeat. A flawed electoral system therefore remains in place in the Bill.

The Bill also contains a flawed system of tax raising. Hon. Members from many parties, and professional people in Scotland—such as accountants and general commentators—all say that the definition of who will pay the extra tax is confused, inadequate and, in some cases, downright unfair. The Government, with their familiar humility, respond by saying that the proposed system requires no change.

The greatest flaws are yet to become apparent. Europe, and Scotland's voice within it, has been much debated in the House. We say that Scotland's right to be heard, which is implicit in the current unitary arrangements of the United Kingdom, is being discontinued by the legislation, with nothing effective to replace it. I believe that both the Liberal Democrats and the Scottish National party agree with that analysis, as do Scottish fishermen and Scottish industry. The Government do not agree with it. Ministers talk blithely of informal agreements to regulate the matter, and have rejected genuine attempts to give Scotland statutory rights to be consulted and heard. They told us that it was not necessary to do so—because, after all, nothing much has changed, and all will go on as before.

I wonder whether the Government really understand the purport of their own legislation. In today's Scottish questions, the Under-Secretary of State, the hon. Member for Western Isles (Mr. Macdonald), said that, after devolution, Ministers would continue to participate in European bodies

"on the same basis as at present".

They cannot participate on the same basis, as their status will be different. After devolution, they will cease being United Kingdom Ministers. One unitary Government will become two Governments, who will not necessarily be of the same persuasion. Disagreements and conflicts of interest will arise. Where will Scotland's voice be? The precise answer is nowhere, and no amount of pusillanimous and pious talk of concordats will alter the realpolitik that will govern.

What about money? Of all the elements that can help to hold the United Kingdom together in the face of the threat of separation, foremost is the need for a system providing fair resourcing to all parts of the United Kingdom. The issue's sensitivity was highlighted in yesterday's *Financial Times*, which, in the same article, proclaimed that

"a new assessment of public spending needs across the UK"

could reduce resentment. Yet the Bill remains dangerously quiet on that issue.

Again we are told that we need not worry, that nothing has changed, and that all will go on as before. However, what is now one Government will become two separate Administrations, with politically different agendas. It is really a dereliction that the specific issue of fair resourcing has simply not been addressed. If ever there was a cusp on which future division can be forced, an area for separatists to exploit and an issue requiring statutory reassurance, it is the issue of fair resourcing. Yet, once again, the Government have failed to act, leaving the Bill dangerously flawed.

There will be much work for the other place in trying to salvage the Bill's original intentions of providing for a healthy, stable and beneficial Parliament for Scotland. There are many holes to be filled, and many half-baked proposals will require proper cooking.

The real trouble is that the Bill has proceeded on a false assumption in the minds of Ministers. Throughout the Bill's passage, whenever we pointed out difficulties, Ministers used buzzwords and phrases, such as consensus, agreement, concordat, fraternal co-operation, the new politics, all working together—

Mr. Jenkin: And the third way.

Mr. Ancram: Yes. However, the Government's pipe-dream has been shattered by the cold blast of political reality that is now shown in political opinion in

Scotland. Today, we saw an example of that political reality, in the spat between the Minister for Education and Industry, Scottish Office, the hon. Member for Cunninghame, North (Mr. Wilson), and the hon. Member for Banff and Buchan (Mr. Salmond). Such personalised venom is hardly the new politics that we were promised.

Right from the start, we argued that the Bill needed to provide against the storm, and that it had to be tested against the worst-case scenario and not against the fairytale world described at the start of the debate by the Secretary of State. The need is even greater today, but, as the Bill leaves this House, that need has not been met.

The people of Scotland can rightly feel that they have been sold a false prospectus. It is certain that much of what has been said about the Bill will come home to haunt the members of the Government. All those easy words about the constitution, the role of Parliament and so on, will be there for the eating in future. The Government will wish increasingly that they had thought through the Bill rather more comprehensively before taking it through the House.

The hunted, twitching, panicking looks on the faces of Scottish Office Ministers demonstrate that that nightmare has already begun. We shall refrain from saying, "I told you so," but we shall look for the Bill to be improved in another place. Scotland was promised a stable Parliament that would work, not one that would descend into chaos in a welter of constitutional argument. As the Bill leaves us, it does not deliver that basic promise. Our role in these debates is one of which we can be proud. We at least have done our best. We can only hope that, in the other place, the Government will think again.

9.20 pm

Mr. Wallace: We are still waiting to find out whether the Conservatives will act on their hot words and vote against the Bill, which the right hon. Member for Devizes (Mr. Ancram) clearly believes is flawed. We shall see whether the Division Bell rings and whether the Conservatives have the courage of their convictions.

Mr. Salmond: I do not think that the hon. and learned Gentleman is being fair. The right hon. Member for Devizes (Mr. Ancram) said that he was about to listen to the arguments. Which particular argument—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. Will the hon. Gentleman please be seated? I will not allow a discussion on how hon. Members might vote if there is a Division. This is a Third Reading debate. We will have a Third Reading debate on the content of the Bill, and nothing else.

Mr. Wallace: If I am not straying too far beyond your ruling, Mr. Deputy Speaker, may I thank your good self and your colleagues in the Chair for the way in which proceedings in Committee and on Report have been conducted—not least the Chairman of Ways and Means, who convened the Business Committee? The programme allowed reasonable explanation of many aspects of the Bill. Matters that were not dealt with in Committee were largely covered on Report.

It is a convention of the House that all Committee proceedings on a constitutional Bill should be taken on the Floor of the House. From experience of proceedings of this Bill, I do not think that that necessarily leads to effective scrutiny of all proposed provisions. The scrutiny that that convention claims may not necessarily be achieved in considering further constitutional Bills.

I congratulate the Secretary of State and, particularly, the Minister for Home Affairs and Devolution on their tenacity and endurance in steering the Bill through the House. I congratulate the Minister, too, on the way in which he responded in several respects, although I shall come later to the issues to which we have not had a response.

We very much welcome the fact that the Bill reflects the White Paper, which, in turn, reflected the agreement achieved in the Scottish Constitutional Convention. There was much talk—not least during the referendum campaign—that it was a bit of a fraud to put a White Paper before the people because the Bill would be different, but the Bill that is about to go to another place substantially and very fairly reflects the White Paper. Of course, a White Paper may include many things that cannot always be translated into legislative form. None the less, the White Paper was a fair presentation of what the people of Scotland were asked to vote for in September.

I turn to issues on which we still have reservations. The number of Scottish Parliament constituencies, once the boundary commission has reduced the number of constituencies in Westminster, is still unresolved. I welcome the Minister of State's constructive approach to that issue, and I hope that it will be addressed in another place and that the Parliament will continue to have 129 seats.

Abortion will remain a reserved matter. I do not want to rehearse all the arguments that we had in Committee, but there is an imbalance and an illogicality in making euthanasia a matter for the Scottish Parliament, but not abortion, which relates to health and law, both of which are devolved matters.

I agree with the right hon. Member for Devizes that it would be far better if there were a statutory right to Scottish representation at European Council meetings. We should always prepare for the worst-case scenario, and a future Government, perhaps of a different complexion to this one, might not want the Scottish Parliament to be involved in a delegation. It would be useful to have, as do the lander in Germany, a statutory right that would not allow exclusion.

The Barnett formula is not enshrined in the Bill. There ought to be some means by which we can guarantee the revenue of the Scottish Parliament. There is still unease and concern among professional bodies about the detail of the tax-varying powers which I hope will be considered constructively in another place.

Mr. Jenkin: So will the hon. and learned Gentleman vote against the Bill?

Mr. Wallace: I will not vote against the Bill. It substantially represents the agreement struck between the Liberal Democrats, the Labour party and—let us not forget—many others who were involved in the constitutional convention, such as trade unions, Churches and many groups from Scottish civic life. The Government have honoured the agreement into which they entered.

[Mr. Wallace]

The Bill differs in several significant respects from that put before the Scottish people in 1979. The fact that it contains tax-varying powers means that the Parliament will have some fiscal accountability, which is as much a matter of democracy as of accountability. Even if those powers are not used, the fact that they exist means that the electorate can ask, "Why has the hospital not been built?" or "Why has the school not been built?" and those who are elected must explain why they did not use the powers. Those powers improve the quality of accountability of those who are elected to those who elect them.

The pre-legislative consultative committees will improve the quality of legislation and, above all, will include many people in Scotland—not just the great and the good—in decision making. I hope that we will be able to devise structures that will reach out. The use of new information technology will allow people from all corners of Scotland to get involved in the decision-making process.

We shall have an electoral system that will fairly represent the parties, according to their strength in Scotland, in the number of seats that they are awarded in the Scottish Parliament. That is important not only in terms of democratic, fair representation, but in ensuring that it is a Parliament for the whole of Scotland.

Scotland is not, by any stretch of the imagination, an homogenous country. It varies greatly from north to south and from east to west. A system of proportional representation will mean that every party will have a stake in Scotland's rural areas and in its urban areas. That can only be for the good, because all parties will have first-hand experience of different parts of Scotland and their problems, challenges and opportunities, which can only inform all parties and will, I trust, lead to better decision making.

It is important to stress the question of the sovereignty of the people. As I said in an earlier debate, if people want to vote for independence in a general election, they are free to do so because there is a party that represents that view. They have not done so in any great numbers in successive elections.

Mr. Dalyell: What is the hon. and learned Gentleman's view of whether the Scottish Parliament can trigger a referendum?

Mr. Wallace: About two and a half hours ago, I said that I did not think that the Bill was especially clear about that, and that I had hoped that we would have clarification. I still do not think that the matter is clear; that is why I would have welcomed provisions in the Bill to put it right. I said that I thought that there should be the right to a trigger, although I also thought that it would be unwise to use it.

To return to my thread, we now have a proposal that has the overwhelming support of the Scottish people. I was one of the people in my party who opposed the idea of a referendum, but I said that if there were one, we should campaign strongly for a yes vote. Perhaps I got it wrong in opposing the referendum, because when it happened, the vote that the measure received represented probably the greatest form of entrenchment that it could have. We are about to have a relationship and a Parliament which really represent the will of the Scottish people. Their sovereignty has been expressed, and the Parliament that we are about to have represents the expression of that sovereignty.

We could argue that this is the first time that has ever happened, because those who negotiated the treaty of Union in 1707 had pretty scant regard for what the vast majority of the people of Scotland thought. Despite the idea sometimes expressed that we are in some way restoring a democratic Parliament, Scotland has never had a democratic Parliament. That is what we are about to embark upon.

There is something that goes with that, and we should not be ashamed or embarrassed to say so. It is that those of us who support the idea of a Scottish Parliament within the United Kingdom should remember that there are two strands to the argument. Inevitably, we have talked a lot about the Scottish Parliament; we have talked about its powers, the years of campaigning that it took to get it, and the hours that we have spent discussing the detail in the Bill. However, we should not forget the other strand: the fact that the Parliament will be within the United Kingdom.

Just as we are proud to celebrate the establishment of a Scottish Parliament, we should not be ashamed to say that we still believe in the merits of a United Kingdom. In other contexts, we are debating the completion of a single market and the prospect of a single currency. Here we already have a single market and a single currency, and we have had them for nearly 300 years. They work substantially to our advantage, and have done for many years.

That is all before we even start to consider the kinship, the shared history and shared heritage, all of which are valued. I hope that, when the Scottish Parliament is established, we will not feel that to celebrate the Union makes us in any way less Scots. We can celebrate both the Scottish Parliament and our continuing membership of a United Kingdom that has served us all so well.

I would not wish to disappoint the right hon. Member for Devizes, who said on Second Reading that I never made a speech without mentioning Mr. Gladstone. Today is the 100th anniversary of Mr. Gladstone's death, and I cannot think of a better memorial to the great old Liberal Prime Minister than the fact that we are putting into place one of the things for which he campaigned—Scottish home rule.

In doing so, we are allowing ourselves an opportunity within Scotland to address the issues that matter to the people of Scotland—decent housing and a decent education system for our young people to train them and equip them with the skills to meet the challenges of the global marketplace, decent hospitals and a decent health service, the securing of jobs. Those are the things which really matter to the people of Scotland, and we shall have an opportunity to deal with them within Scotland. That will allow change for the better in the government of Scotland. For that reason, my right hon. and hon. Friends and I will celebrate that fact, and will have much pleasure in giving the Bill a Third Reading tonight.

9.32 pm

Mr. Dalyell: The Secretary of State referred earlier to certain tensions during a previous debate—[HON. MEMBERS: "He has gone again."] Yes; I have to say that I

am one of those old-fashioned people who think that a Secretary of State has nowhere better to be than on the Floor of the House of Commons when the Third Reading of his own legislation is being debated. That is partly because I wanted to ask my right hon. Friend a serious question.

First, however let me say—I wish that the Secretary of State were in the Chamber to hear this—that, in one particular respect, I was wrong and he was definitely right. As I understand it, his first instinct was that although the important clauses should be taken on the Floor of the House, the rest of the Bill should be taken in a Standing Committee—[HON. MEMBERS: "Hear, hear."]—which was also the view of the hon. and learned Member for Orkney and Shetland (Mr. Wallace).

I was one of those who thought, perhaps in an old-fashioned way, that constitutional Bills should be taken on the Floor of the House, full stop. I think now that I was wrong and that my right hon. Friend was right. If parts of the Bill had been taken upstairs, it would have been less unexamined that it has been.

Mr. Swinney: I invite the hon. Gentleman to consider an area of the Bill that I think would have benefited from much greater scrutiny—the definition of the Scottish taxpayer, who may have to pay for the tax-varying powers. Does he believe that that would have been the subject of more detailed consideration if it had been taken in Committee upstairs, where we could have got to the nub of some of the concerns of hon. Members from both sides of the House that have not been dealt with in the Bill?

Mr. Dalyell: The hon. Gentleman saves me some time, as I strongly agree with him. In particular—I wanted to put this question directly to the Secretary of State—what are Scottish Office Ministers doing to ensure that they have serious discussions with the Institute of Chartered Accountants? The institute's parliamentary officer is the daughter of one of the founders of the devolutionary movement, the late Professor John Mackintosh MP, for whom I had the greatest respect. The institute may be well disposed towards the general devolution proposal, but I am told that there are serious concerns about the important question of who is, and who is not, a taxpayer. Often, only small sums of money may be involved, but, because of the possibility of litigation, the lawyers will have a heyday, which I do not think that any of us want.

Dr. Fox: I am grateful to the hon. Gentleman for giving way for what may be the last time in our consideration of the Bill. Does he agree that, whether the Bill is taken on the Floor of the House or upstairs in Committee, the effectiveness of scrutiny is dependent on the willingness of Ministers to give detailed replies to questions asked by hon. Members? Their failure to answer some of the specifics to which he refers has been the reason for the failure of scrutiny.

Mr. Dalyell: We must face the fact that part of the difficulty is that there are no answers to the problems that arise in setting up a subordinate Parliament in one part, but only one part, of a unitary state. The model proposed in the Bill is different from the one in Catalonia and has not been tried anywhere in the world.

I have a concern—it is one among many—to which I want to return. The problem is currently disguised by the Government's majority of 179. Not only may legislation be imposed on the English part of the United Kingdom contrary to the political wishes of the majority of English Members of Parliament, but a Secretary of State for Health, for Education or for local government in England may be imposed who does not match the political colour of the Members who have, rightly or wrongly, been elected by the English.

Mr. Malcolm Savidge (Aberdeen, North): Will my hon. Friend give way?

Mr. Dalyell: No. Therein—

Mr. Savidge *rose—*

Mr. Dalyell: I have attended all our deliberations of the Bill—my hon. Friend will have his turn.

Therein lies the difficulty of the slow candle of English nationalism. The position cannot endure, although it will endure during this Parliament, as it is disguised, and it will probably endure during the next Parliament. Sooner rather than later, however, hon. Members will find that the structure cannot last in anything recognisably like its current form. It is a structure built on sand and, as such, it will lead to endless difficulty in these islands. If I am Banquo's ghost, I am full of woe about what we are doing tonight.

9.39 pm

Mr. Salmond: I am glad that the hon. Member for Linlithgow (Mr. Dalyell) ended with a literary allusion, because I had intended to congratulate the right hon. Member for Devizes (Mr. Ancram) on an historical allusion when he said of the legislation that, "It cam in' a mess. It gang wi' a mess", but I then realised that the allusion was totally unwitting.

My party will vote for the legislation if we get the chance to vote. I do not challenge it in any way, but I was somewhat surprised, Mr. Deputy Speaker, by your innovative ruling that speculating on voting patterns on Third Reading would not be in order. I have never heard of that before—but the House is full of surprises.

I am not sure what argument remains to be debated that will decide whether there is a vote against the Bill. I shall be interested to see whether the right hon. Member for Devizes follows the logic of his speech.

Mr. Nigel Evans (Ribble Valley): Get on with it.

Mr. Salmond: As the hon. Gentleman asks me to get on with it, I shall move on to my next point: I was impressed by the turnout of Conservative Members, until several Conservative Back Benchers confided to me the reasons for their attendance. They said that they had been designated to attend and speak on the Bill and that, in return, they all got a shottie at the Dispatch Box.

Right enough, all the Conservative Back Benchers who attended, at some point or other, and with varying degrees of success, got to speak at the Dispatch Box. That puts the Liberal party and the Scottish National party at a serious

[Mr. Salmond]

disadvantage: we cannot give an incentive to our Back Benchers to come along to debates by giving them a shot at the Dispatch Box.

My understanding that the Conservative party is putting up 73 candidates comes from no less a source than Mr. Raymond Robertson, the chairman of the Scottish Conservative party, so it must be true; and I leave that observation to be judged on its merits.

The Labour Back Benches were not always as full as the Conservative ones, but Labour participation was dangerous: the hon. Members for Falkirk, West (Mr. Canavan) for Falkirk, East (Mr. Connarty) and for Glasgow, Pollok (Mr. Davidson) made distinguished contributions, and all of them seem to have been rejected for the list of potential candidates for the Scottish Parliament. Clearly, the best advice for aspiring candidates was not to turn up for the debates.

The Secretary of State did not get the hon. Member for Pollok's graceful and humorous point about his dress and apparel; perhaps he did not know that the lack of a tie was given, in the newspapers at least, as the reason why he had not made it on to the list.

Mr. Dewar *indicated dissent.*

Mr. Salmond: Well, it must have been some other matter of dress that did for the hon. Member for Pollok.

Some important points were established in our consideration of the Bill. I was disappointed on several occasions. I thought that the White Paper gave us reason to expect that the Scottish Parliament would have the power to summon not only witnesses but documents, which is important for its powers of investigation.

I was disappointed, as apparently was the right hon. Member for Devizes, by the lack of clarity on the European role. Earlier remarks, by the Foreign Secretary in particular, had raised expectations that the Parliament would have a defined European role, but that was not forthcoming.

I was disappointed by clause 27(7), which potentially overrides everything and means that, notwithstanding the rest of the legislation, the Westminster Parliament still has the ability if it so chooses to do anything it so chooses, even on devolved legislation. That contradicts the statements of the Secretary of State for Scotland during the devolution referendum that never again could a poll tax be imposed on Scotland. Clause 27(7) would allow the Westminster Parliament to impose such taxation.

We shall vote for the Bill despite those failings because I believe that this is a process, not an event; a beginning, not an end. Even my worst enemy would not accuse me of a lack of consistency on that. The Secretary of State raises his glasses. I take that as a sign of assent. The glasses are raised when he agrees. The glasses are now down. That must be a signal that other hon. Members are waiting to speak. I have described how the Scottish National party regards the legislation. It is therefore worth voting for.

As the hon. Member for Linlithgow (Mr. Dalyell) said, not every subject worthy of debate was debated. If he, rather than the Conservative party representatives, had been on the Business Committee, many of those issues could have been brought before the House. I regarded many of our long debates as less important than some of the short ones. The hon. Member for Linlithgow nods in assent.

I regret the chicanery earlier this evening that resulted in a clause not being debated. I think that that was the only sharp practice in the course of the legislation.

Mr. Dewar *indicated dissent.*

Mr. Salmond: The Secretary of State demurs, but I think that there was some attempt to prevent a vote on that clause, which was foolish and unworthy. It could be said that the Conservatives should have asked for more than 15 minutes to debate one of their own amendments. *[Interruption.]* It is no argument to say that the SNP should not have voted on a clause that we thought was important.

Mr. Savidge: Does the hon. Gentleman think that the time taken to count the 289 votes was disproportionate compared with the time taken to count some of the votes during consideration of the Wild Mammals (Hunting with Dogs) Bill?

Mr. Salmond: If the hon. Gentleman is saying that two wrongs make a right and that sharp practice on one side justifies it on the other, I take it as an admission that there may have been some slow movement through the No Lobby earlier this evening. That was unnecessary. It demeans the process of legislation to resort to such a tactic. It is not worthy of the Secretary of State for Scotland or of the processes of this House. That was probably the only occasion on which I detected such practice during the passage of the Bill.

It is a small, sour note to end what has mostly been a positive and productive process. I strongly support the Bill and look to the future optimistically with high hopes and brave heart. I am confident that the judgment of the people of Scotland will be that of the SNP: that this is a beginning, not an end.

9.48 pm

Mr. McAllion: It is not merely arguable but certain that history is being made tonight. As my right hon. Friend the Secretary of State for Scotland said, after tonight nothing will ever be the same again. It is therefore disappointing that this debate is taking place in such a thinly attended chamber and a flat atmosphere. I agree with what he said when he was challenged about whether constitutional issues such as this are above the comprehension of the average voter. Like him, I do not believe that. Average voters can follow very well the intricacies of constitutional Bills. Both he and I would have to admit that what has gone on inside the Chamber tonight is not necessarily the priority for ordinary voters.

For example, we heard from Opposition Members about the huge resentment outside this Chamber among the English people, who will rise up in rebellion when the true significance of the Bill becomes known. I went outside the Chamber earlier to have something to eat and read the London *Evening Standard*, which has a wide circulation in this metropolis. Its banner headline is not about historic events inside the Chamber but reads, "Labour chaplain gropes wives." *[Interruption.]* Sorry,

it was "Army chaplain"—*[Laughter.]* If any Labour Member is called Chaplain, I apologise immediately. That headline shows the level of interest outside and gives the lie to many of the arguments that we have heard from the Opposition tonight.

I must associate myself with the remarks made by my right hon. Friend the Secretary of State for Scotland when he thanked the various contributors to the long process of this Bill, but I want to single out some he did not directly mention. I thought that the contributions from my hon. Friends the Members for Falkirk, East (Mr. Connarty), for Falkirk, West (Mr. Canavan) and for Glasgow, Pollok (Mr. Davidson) have been outstanding. I am sure that everyone who has been in the Committee would agree that they are excellent parliamentarians and that they would grace any Parliament anywhere in the United Kingdom, if they were given the opportunity to stand, and I am sure that they would return the compliment to me, if they had the opportunity.

Most of all, I congratulate my right hon. Friend the Secretary of State and my hon. Friends on the Front Bench on succeeding in getting this important Bill to its Third Reading in a form recognisable as the scheme set out not only in the White Paper on devolution, but in the blueprint established by the Scottish Constitutional Conventional all those years ago. We have to remember the sort of Parliament that we are agreeing to set up. For the first time, Scotland will have a democratically elected Parliament—not for the first time in 300 years, but for the first time ever. The last Scottish Parliament was anything but democratic, which is why it no longer exists. If it had been democratic, it would still be with us and all this would have been unnecessary.

Also, the Parliament will be elected by proportional representation and the Labour party ought to be congratulated by the minority parties in Scotland—[HON. MEMBERS: "What?"]—well, the majority in some cases, but by the other minority parties for being reasonable enough to allow the electoral system to be changed when it worked to Labour's advantage.

We shall have a Parliament which has the right to vary the rate of income tax, as was promised by the constitutional convention; a Parliament which will be in control of the Scottish block, which will be arrived at through the Barnett formula, despite the moans from Tory Members; and a Parliament in charge of the health service, local government, housing and Scottish law. In fact, we have in the Bill an excellent Parliament, which the Scottish people will be happy to see set up.

There have been some disappointments. We are not yet there on 50:50, but that is not through lack of effort by my hon. Friends in the Labour party or, indeed, the Scottish Labour party as a whole. The problem has lain with other parties failing to come to an agreement that would ensure a 50:50 Parliament in Scotland.

From time to time, there has been falling out along the way. For example, there was some dispute earlier over the right to hold referendums. I must tell my hon. Friends that I do not set out to be on the other side of the argument from them on every occasion. I remember that, when they suggested that there should be a referendum before the general election, I disagreed, and when I suggested that there should be a referendum after the general election, they disagreed with me. That was coincidental. I have been saying what I think, not deliberately setting out to go against them. However, we have a sound basis for a powerful Parliament and one which will be very popular in Scotland in the years ahead.

Some issues have clouded debate on the Bill for me, in particular the debates on matters to be reserved to the Westminster Parliament and the assertion of the sovereignty of that Parliament over everything else, as well as the role of the Judicial Committee of the Privy Council—those areas that are said to be extra vires for the Scottish Parliament and all those different ways in which the Westminster Parliament is seeking to assert its right to control what the Scottish Parliament does. I cannot believe that any of those different matters will be a practical option for the Westminster Parliament in the real world when it comes to co-exist with another democratically elected Parliament inside the United Kingdom.

What we have to remember is that the Scottish Parliament, unlike the Westminster Parliament, will be exclusively Scottish; it will be elected exclusively by the Scottish people; it will be answerable to the Scottish people alone; that will be Scottish in every sense of the word. If the Scots in the Westminster Parliament take this Parliament's side against the Scottish Parliament, it will be seen as being anti-Scottish and it would not be sensible for anyone here to do that.

Mr. Cash: Will the hon. Gentleman give way?

Mr. McAllion: No, I have not got time and other hon. Members want to speak.

I know that the fact that there is to be a new relationship with a new sort of Parliament creates uncertainty and that Members of this Parliament do not like uncertainty, so they cling to the old certainties like Westminster sovereignty which reassure them and make them feel better. However, that is entirely the wrong attitude to take, because hon. Members have to recognise that they are dealing with a body that differs greatly from anything with which they have dealt before. We cannot compare a Scottish Parliament to Scottish local government and say that, because Scottish local government is a creature of Westminster statute, the Scottish Parliament will be a creature of Westminster statute. We are dealing with a national Parliament—a Parliament which has behind it the democratic authority of a nation having voted in democratic elections to put it into power; a Parliament which will have to be treated with respect and not as a plaything of this Parliament, to be chopped and changed to this Parliament's liking.

I remember—albeit not personally, as I was not a Member of Parliament at the time—Enoch Powell arguing way back in the 1970s that devolution meant power devolved being power retained. That was 1970s-style devolution, but hon. Members have to remember that that sort of devolution was not sufficiently popular to stand up to the chicanery of the Westminster Parliament, so it did not succeed in getting enough of the Scottish people to support it against the desires of Members of this Parliament. Since the 1970s, the world has moved on and the situation is entirely different. We have had 18 years of undemocratic Tory government in Scotland, which hugely changed the opinion of Scots about the role of a devolved Scottish Parliament. We have had the Claim of Right for

[Mr. McAllion]

Scotland, which asserts the sovereignty of the Scottish people and which is unchallenged in Scotland by almost all parties—even the Tories have come to accept that the sovereignty of the Scottish people is sacrosanct above all else. We have had the Scottish Constitutional Convention, which drew up a scheme for a devolved Parliament that was very different from the sort of Parliament suggested back in the 1970s.

Mr. Andrew Rowe (Faversham and Mid-Kent): Will the hon. Gentleman give way?

Mr. McAllion: There is not time and I shall finish soon.

The 1990s-style devolution will be very different from the 1970s-style devolution and it will require the Westminster Parliament not to retain power, but to let go of power and free the Scottish Parliament to go its own way. Ultimately, what devolution really means is the right of the Scottish Parliament to be different from the Westminster Parliament—the right to decide that Scotland wants a different way of running its health service, a different way of looking after its schools and a different way of organising local government or paying for public services. That is Scotland's right and that is what devolution is all about. If we in our ignorance attempt to prevent Scotland from developing its own distinct and different ways, we really will be stoking up trouble for the rest of the United Kingdom.

Today's political change becomes tomorrow's political status quo, and no status quo lasts for ever. Even the old Union, which was swept away on 11 September by the double yes vote in the referendum, was not the same Union that had lasted for 300 years. It had survived for so long only because it had changed constantly. The Scottish Office was not around in 1707 and neither was the Scottish Grand Committee or the Select Committee on Scottish Affairs; those changes were made over time, because nothing in politics lasts for ever. Everything has to change and we must not get hung up on the question whether or not there can be further change in the constitutional arrangements between Scotland and the rest of the United Kingdom, or whether the demand for such constitutional change has to be channelled through the Westminster Parliament, rather than through the Parliament that we are going to establish up in Scotland.

On its own, a devolved Parliament does not make any difference to whether Scotland will become independent or remain within the United Kingdom and neither does the holding of a referendum. Scotland will become independent only when a clear majority of the Scottish people want it to become independent. There is no road block that this Parliament or anyone else can put in the way of the Scottish people once they have decided to become independent; nor should anyone try to obstruct that desire. I cannot believe that anyone in the Labour party would genuinely want to frustrate the desire of the Scottish people if they wanted Scotland to become an independent country.

I believe that, tonight, the Scottish people are getting what, in the main, they voted for in the past four or five general elections—what I voted for—and in a democracy, that cannot be bad.

It is said that history is sometimes made in very strange places, and they do not come much stranger than this place. Perhaps the strangest thing of all is that the Bill, having been considered by the democratically elected representatives of the people since the start of January, now passes to another House which is not democratically elected, and about whose deliberations the people have no say. I can only say to the lords who sit there that, although we can do nothing about that now, they should be wary of trying to make any changes to the Bill.

I hope that Ministers will reassure us that the Scotland Bill is the beginning, not the end, of constitutional change in this country. When we have seen the Bill on to the statute book, we shall return to get rid of those—I was going to say "tyrants", but I had better not—unelected members of the other place.

10 pm

Mr. John Hayes (South Holland and The Deepings): I have taken part in most of the deliberations on the Bill and, notwithstanding what the hon. Member for Banff and Buchan (Mr. Salmond) said, I should have done so regardless of the fact that doing so might increase the possibility of opportunities, however brief, to stand at the Dispatch Box. I have taken part in these proceedings because this is a matter of fundamental constitutional importance, and I am sure that goes for all my colleagues.

Mr. Salmond: I hope that the hon. Gentleman, who is an honourable man, is not disputing the point that I made.

Mr. Hayes: I merely reply that hon. Members in other parts of the House suggested to me that it was a good tactical move on the part of the Conservative party to give its new Members an opportunity to extend their skills and expand their experience. I am delighted to inform the House that that suggestion came from some of the frustrated new Labour Members who are given few opportunities to do anything. However, I do not want to become involved in such tittle-tattle because time is short and I wish to be brief.

As my right hon. Friend the Member for Devizes (Mr. Ancram) said, the Bill is full of contradictions and anomalies, in many fields. In drugs policy, in food safety, in abortion and in tax-raising issues, there are significant anomalies in the Bill. One can only hope that they will be corrected when it passes to the other place—for which some of us have a great deal of respect, despite the comments by the hon. Member for Dundee, East (Mr. McAllion).

Beyond those anomalies and contradictions, one fundamental point needs to be amplified. By the admission of all those who have spoken, the Bill is significant. The Secretary of State told us that nothing would be quite the same again, and it was suggested from our Front Bench that the Bill was a matter of fundamental constitutional importance.

In those circumstances, I am worried, not by the hidden political electoral agenda, but by the absence of an agenda in respect of the constitutional strategy for the United Kingdom. There is an absence of vision about where the Bill leaves us in terms of the settlement between the various parts of the kingdom. I do not know whether the vision does not exist or whether the Labour party is not prepared to come clean about it; I shall be generous and

say that it is the former not the latter. However, as a result, further difficulties are inevitable in the relationship between the constituent parts of our kingdom.

If the Labour party chooses to solve those matters by setting up an English Grand Committee, or even perhaps an English Parliament—or a council of the isles, as has been suggested—let us hear that now. Let us have a frank, open and full debate about the future of the entire constitution of these islands. Let us not have piecemeal, ad hoc reform of the constitution, whereby Scotland and Wales are dealt with in one fashion, leaving us in an inconsistent state, and other matters must be patched up to quell the dissatisfaction in England that will undoubtedly result from this legislation. Let us have a full and open debate. Let us hear what the Labour party believes is the appropriate way to deal with those matters.

I shall conclude so that as many people as possible have a chance to speak. What concerns me is not so much what we have discussed in recent weeks and months, but the matters that have not been fully aired and considered: future democratic accountability of the nation; the distribution of sovereignty; how these islands will be governed; and the impact of all that on the interests of all the British people.

10.4 pm

Mrs. Maria Fyfe (Glasgow, Maryhill): I could not disagree more with the hon. Member for South Holland and The Deepings (Mr. Hayes). If we had waited until the rest of the United Kingdom worked out how to conduct its home affairs, we would have waited a considerable time. Scotland was more than ready to go ahead with legislation for a Scottish Parliament. We have fulfilled our promise to introduce a Bill in the first year of government, and it will not be long before that process is complete.

The right hon. Member for Devizes (Mr. Ancram) compared the Bill to a great ship leaving harbour and setting sail across the ocean. The more he went on, the more I thought he must have seen "Titanic" recently, although he stopped short of comparing the recent opinion poll to an iceberg. The Scottish National party will have to make up its mind; it cannot be on the bridge, steering the ship safely to port, but then take it out to meet an iceberg. By saying that the Bill is part of a process that does not stop with devolution, the SNP rejects all that the people of Scotland said in the referendum in September. They wanted what the Bill is delivering; to say that they want to go further is to fly in the face of their will.

We could hold referendums again and again, as was pointed out last Thursday at Question Time. We should remember, however, that people in Quebec are at each other's throats all the time, and we do not want that in Scotland.

The right hon. Member for Devizes referred to aspects of the Bill that had been left undebated. He said that large lumps and holes had to be filled, but I can ignore his mixed metaphors. As some of my hon. Friends have said, if members of the House of Lords do not treat the Bill seriously, or try to frustrate the clear will of the people of Scotland, their actions will come to haunt them.

Abortion and euthanasia have been raised, but I am baffled that any hon. Member should think that they are similar. To me, it seems obvious that abortions are carried out in clinics and hospitals, and it would be sensible to avoid cross-border traffic. Euthanasia, however, is by its nature likely to be carried out wherever the dying person happens to be; we are not talking about transporting people on the point of death to clinics—a point which appears to have escaped those who discussed the two issues.

Let me turn to the heart and soul of the Bill. We have rightly gone for a unicameral system, following the discussions of the Scottish Constitutional Convention. The system involves consulting outside bodies—Special Standing Committees can do that here, but are rarely used—and that can only benefit us by making it more likely that legislation meets people's needs.

I am glad that the Labour party in Wales has followed our lead in Scotland and has voted to carry out a twinning process for the selection of Labour candidates in Wales. I should not like the debate to conclude tonight without our thanking those in the convention who were involved in the fight for 50:50 representation. Particular credit must go to the Scottish Trades Union Congress women's committee for first raising the issue. As my hon. Friend the Member for Dundee, East (Mr. McAllion) pointed out, we will not achieve 50:50, but, owing to the Labour party's efforts alone so far, we are likely to achieve a high percentage of women Members, possibly one of the highest in Europe. We may well go on to achieve more.

With reference to the advice given on that subject, I maintain that there is nothing in our law or in European law to prevent political parties from taking steps to ensure equal representation in our Parliament. If I and others who share my view are wrong, I am indebted to Professor Noreen Burrows for pointing out that the equal treatment directive also applies to other matters in the constitution and political processes—for example, the succession to the Crown. The Princess Royal could take her case to an industrial tribunal. Although I am not a monarchist, I would say that, when the job goes a-begging, it should go to the best candidate, and many of us think that she would have an excellent claim. Likewise, peerages that pass from father to son under the present system could be challenged by the daughters.

I hope that I am not upsetting my hon. Friends too much, and I am glad that I will not be standing for the Scottish Parliament. If anyone tries to railroad our efforts and overturn them by taking us to an industrial tribunal, such consequences are likely to be raised, together with contests that were never aired before.

To conclude on a positive note, the Scottish Parliament will be different. It will bring about widespread discussion in our country and meet the needs of our people. I am glad to support it, as it will initiate change throughout the United Kingdom, to the benefit of us all in achieving more democratic processes.

Mr. Deputy Speaker: Order. I have received word that hon. Members on the Front Benches wish to make winding-up speeches, and I shall call them at 10.20. I hope that I can call at least one hon. Member from either side of the House before then.

10.11 pm

Mr. Swayne: One of the principal weaknesses of the Bill was illustrated this evening when the Minister of State, in answer to an earlier debate, complained that, after 55 weeks—that was his timetable, not mine—we were still discussing this constitutional circus. It is extraordinary that, as the Bill leaves the House, we are

[Mr. Swayne]

still ignorant—[HON. MEMBERS: "You are."] The House is still ignorant of whether the Scottish Parliament will be able to initiate a referendum on independence in Scotland.

We have heard various opinions, but it has been suggested from below the Gangway that the matter will be decided in the courts. I hope that it will be decided by their lordships, rather than in the courts, but the issue properly remains to this House. The constitutional settlement that was offered in the referendum referred to a devolved Parliament, a subordinate Parliament, where the sovereignty of the Scottish people properly rests with this House.

A referendum on independence in Scotland should be triggered only when this House takes notice of the fact that a majority of Scottish Members of this Parliament are members of the party below the Gangway, the Scottish National party. That is the proper time for such a referendum.

This is a dreadful Bill. Another of its principal weaknesses is the extraordinary arrangements that it will put in place to elect the Members of the Scottish Parliament. Those arrangements are the product of what we were told would be new politics and a new consensus. We were told that Labour was a party for the new Jerusalem, and that everyone would agree and co-operate. So many of this Bill's arrangements depend on that and on the good will of the Scottish Members in working together.

As the processes have unfolded, as we have watched the Bill proceed and the opinion polls in Scotland change, we have seen the saints beginning to fall out. We know that politics has not changed, and that there is nothing new under the sun. We know also that these extraordinary electoral arrangements will return to haunt the Government as the matter proceeds.

Mr. Salmond: Will the hon. Gentleman give way?

Mr. Swayne: No, I do not have time.

The question that remains to be decided by those of us who are deeply alarmed by the Bill is essentially whether the problems that it will create will be greater if we stop the process now, simply as a consequence of the quite unrealistic expectations that have been raised.

10.15 pm

Ms Sandra Osborne (Ayr): I shall be brief in view of your earlier comments, Mr. Deputy Speaker. I believe that this is an evening for celebration, and I congratulate the Secretary of State and the Minister. The Secretary of State may look rather tired, but he certainly does not look haunted or hunted.

Although this has been a rather low-key debate, and some people might say that the Committee stage was not exactly scintillating, I believe that this is a significant day for the Scottish people. They gave their verdict on this and other issues on 1 May last year—and I note that the sun came out today in celebration of the achievement of a Scottish Parliament, just as it did then in celebration of the general election.

I do not share Opposition Members' views about the cynicism of the so-called "new politics". The right hon. Member for Devizes (Mr. Ancram) spoke uncharacteristically about new politics, which he described as a fairy-tale world. I believe that many people in Scotland and elsewhere regard this place as a bit of a fairy-tale world at times, and I am optimistic that the Scottish Parliament will be different. I hope that it will have a more co-operative approach, with more women Members and greater representation from ethnic minority groups. That will be very welcome. I shall not rehearse those arguments again, and I thoroughly agree with my hon. Friend the Member for Glasgow, Maryhill (Mrs. Fyfe). There will also be more transparent procedures.

Mrs. Laing: Will the hon. Lady give way?

Ms Osborne: No. I am sorry, but there is no time.

I support change, and I have great hopes for the Scottish Parliament and its new approach. I believe that many people in Scotland share my view. However, although there appeared to be a positive consensus across Scottish politics for a time, the situation is now very different. I for one am very disappointed about that. I believe it is because too much time is being spent discussing whether there should be a referendum and independence for Scotland even before the Parliament has had a chance to set up and get on with its business.

I support the Scottish Parliament because it will bring more democracy to the everyday issues that affect the lives of people in Scotland. As a former councillor, I know the importance of health, education and housing. We must be able to deal with those issues closer to the people, in a way that they feel is relevant. I realise that the consultative steering group is doing a lot of work examining structures.

I am worried that, when people hear the usual yah-boo exchanges, they will lose heart. I hope that, over the next year, we can discuss each party's position regarding the Parliament's responsibilities. We have had, "Where will it be?", "How much will it cost?" and, "What will it look like?"; it is now time for, "What will it do?" Scottish Office Ministers have made many announcements in the past year—today's announcement on child care to name just one. They have not achieved the publicity they deserve for the revolutionary and radical things they represent, especially in relation to child care, which is a subject close to my heart.

In spite of the conduct of Conservative Members today, I believe that far more detailed and constructive discussion will take place in the Scottish Parliament. The staying power to maintain the momentum for genuine consultation is crucial, and the Scottish people will not thank us if we do not make sure that there is a genuinely different approach in the Scottish Parliament. People outwith the chattering classes in Scotland want something different, which reflects Scottish values and aspirations. *[Interruption.]*

Mr. Deputy Speaker: Order. The hon. Member for Mid-Sussex (Mr. Soames) must be fair to the hon. Lady. She has been in the Chamber all night, and she must have a hearing without interruption.

Ms Osborne: I am tempted to argue that, when the Scottish people look to the Scottish Parliament to reflect their values and aspirations, they will look to the Labour

party, but, in the light of what I said previously, I shall resist temptation. I make a genuine plea to all parties and individuals to go forward to the Scottish Parliament in a genuinely co-operative and constructive manner.

10.20 pm

Dr. Fox: At the end of consideration during which there has been extraordinarily low input from Labour Members representing English seats, it is worth stating the context within which the Bill has been considered—Scotland's politics remain Unionist. Three parties at the previous general election put forward Unionist agendas—the Conservatives believe in a unitary state, the Labour party has put forward its devolutionary ideas, and the Liberal Democrats believe in a federal United Kingdom—and 76 per cent. of Scots voted for a Unionist party of one sort or another.

The Government believe that devolution will strengthen the United Kingdom—the Secretary of State has been a consistent proponent of that position for many years, and is honest in his defence of it—and that creating devolution and creating an elusive dynamic will diminish the forces of separatism in Scotland. We do not believe that that is the case, which is why we have always argued against devolution. The risk is that it will not defeat the forces of nationalism, but strengthen them.

That is not a forgone conclusion, however. The end of this part of the Bill's passage through Parliament is the beginning of the fight against the forces of nationalism, which we shall all, in our different ways, have to confront if they are to be defeated. I believe that they can be.

I join—

Mr. Salmond: Will the hon. Gentleman give way?

Dr. Fox: I shall not give way to the hon. Gentleman, because we are pushed for time.

I congratulate my hon. Friends who have taken part in the debates on the Bill. I am glad that my hon. Friend the Member for New Forest, West (Mr. Swayne), despite a year as a Member of Parliament, has not succumbed to the new politically correct, inclusive, third-way, emotionally incontinent school of politics, and continues not to mince his words. I also congratulate the Minister, who has returned to his place, on the courteous way in which he has carried the debates in the House—he has been generous in giving way—although the manner of its doing does not alter the nature of the deed. We still believe that too many questions have been left unanswered at the end of the Third Reading debate.

We have always worked on the principle that devolution poses a risk to the unity of the United Kingdom because it is an unstable model. As we have said many times, it pretends that the constitutional arrangement in one part of the United Kingdom can be changed without affecting the constitutional position in the rest of it. Given that we are vastly outnumbered in parliamentary terms, we have done our best to diminish the risks for conflict—what the Secretary of State called on Second Reading the "worst case" scenario on which we should plan future proceedings.

Many problems remain in the Bill. We have talked about the electoral system: the Bill will establish new relationships between electors and elected, and the relationship between directly elected Members of the Scottish Parliament and those elected on the list is unclear. To whom will constituents go? Who will deal with inconsistencies and with the inevitable poaching? How will the system work, because it will not be a stable model for new Members? The single-chamber system occurs almost nowhere in the developed, democratic world. How will that work, and how will a counter-balance be provided? Who will carry out revision, and what are the mechanisms by which that will be done?

We still have not had clear views on tax. The hon. Member for North Tayside (Mr. Swinney) said that one of the most important elements missing from the debate was a clear definition of a Scottish taxpayer. Clause 72 does not clearly set out exactly how the tax-raising powers will work, and, given the contradictions between subsections (4) and (5), we do not know how they will work in practice. Many tax experts say that it is simply not possible for two opposites to exist in the Bill and for the Bill to begin to operate smoothly. I hope that the other place will give those matters due weight, because we certainly did not have the opportunity to debate them as closely as we would have liked.

Much of what is to happen will be brought about by concordat, by trusting to good will, although I suppose that, if the Minister for Sport can take the oath with his fingers crossed, the Government can pass the Bill with their fingers crossed. The idea that it must be implemented with bonhomie is not a sufficient constitutional safeguard, and in the Bill it is safeguards that we seek.

On the issue of Europe, there has been widespread cross-party criticism of the Government's failure to accept that the relationship will change. The role of Scotland in Europe will change fundamentally as a result of the legislation. That was never better demonstrated than by the case of Scottish fishermen who, because they constitute the majority of those in the United Kingdom's fishing industry, are automatically represented by a Scottish Office Minister, who is the lead Minister in European discussions. We are told that arrangements will remain as they are, and that there will always be the same consensus. They will not: they will change fundamentally as a result of the Bill, as will the role of the Secretary of State.

What role will the Secretary of State have in the Cabinet? Whom will he speak for, and where will his loyalties lie? Who will answer in the House for the decisions of the Scottish Parliament? We have never had an answer to that conundrum, which was raised several times. Those of us who sit in the House are responsible for raising taxes. After the Budget, we each have to vote for the raising of taxes which go to the Consolidated Fund and to the Scottish block. What mechanism will we who take responsibility for raising taxes have to scrutinise how the tax money is spent? That question has not been answered.

There are still inconsistencies in schedule 5. We wanted to discuss abortion and euthanasia and the inconsistencies relating to those matters. The contribution by the hon. Member for Glasgow, Maryhill (Mrs. Fyfe) raised more questions than it answered. We shall want to explore those matters in the other place. Despite a full day's debate, we have not had an answer on what is called the West Lothian question. The hon. Member for Linlithgow (Mr. Dalyell) said that it was not possible to have an answer to that question. That may be the correct

[Dr. Fox]

assumption, given the form of devolution that we are debating. We have never dealt effectively with the English dimension, or with how it will proceed.

The Secretary of State has long believed in devolution as a way to maintain the Union. Expectations were raised in the White Paper, in the Bill, and in the run-up to the Scottish election. We must remember that the enemies of the Union sit below the Gangway. The Scottish nationalists are the enemies of the Union. Whatever differences we may have about how the Union is structured, it is the Scottish nationalists who see devolution as a Trojan horse. They are destructive, negative and introspective, and in many quarters they are defined as much by their anti-Englishness as by their pro-Scottishness.

It is the duty of all Unionists to make the new architecture work as best we can, but the architecture is unstable, because it fails to give equal weight to all parts of the United Kingdom. This part of the Bill's passage is over, but the real challenge to those of us who believe in the Union is just beginning.

10.29 pm

Mr. McLeish: It is with a great deal of pleasure and pride that I rise to say a few words at the end of the Third Reading debate.

What is depressing is that, on 1 May, the Conservatives were unsure of where they were, and tonight they are still unsure. For some people, that may seem a charitable interpretation, but that has been the style that I have adopted throughout the Committee and Report stages. The hon. Member for New Forest, West (Mr. Swayne) sums it up—the style often subdues the substance—but, in some cases, it is grudging acceptance.

The Conservative view is, "Who really needs this Parliament?" There has been carping and criticism. In some respects, a group of people have been unsure about where they stand, not only on this Bill, but on many others. On 1 May, there was an overwhelming endorsement of the proposals that were put forward by a potential Labour Government. On 11 September, with the support of all parties except the Conservative party, the Scots voted overwhelmingly for, and gave a ringing endorsement to, the two questions. With the icing on the cake of an additional member system, which can deliver the Conservatives some MSPs, I should have thought that they might at least have accepted and acknowledged those things, but, sadly, we had none of it.

The right hon. Member for Devizes (Mr. Ancram) may snigger, but, in most countries, serious constitutional change has the support of every party in that country. *[Interruption.]* Someone says, "Why should we be the same?"

Mr. Paterson: Will the Minister give way?

Mr. McLeish: No, I am not giving way.

The simple issue is that the Conservatives have to wake up to the fact that Britain is changing comprehensively and irreversibly. It is not a matter just of Scotland. On Friday in Northern Ireland, an historic decision will be made. Decisions on Wales have been made by the House. London is moving forward, which is again a positive result. The European convention on human rights is to be absorbed into British law. The freedom of information Act is coming. The House of Lords is going to be reformed. But where are the official Opposition? They are simply nowhere, time-warped in the past and unable to face or embrace the future. That is sad not only for the House, but for the House of Holyrood in Scotland.

I am a moderate man—

Mr. Paterson *rose—*

Mr. McLeish: But I am not giving way. When Scots experience the continuous and intense sniggering, it does nothing for the Conservative party or for the House, and it reinforces my central proposition that the Conservatives were nowhere on 1 May, and they are still nowhere.

The plight of the Conservative Opposition should not detract from the achievements of the Labour Government. We have delivered on every occasion: on 1 May, on 24 July with the White Paper, on 11 September with the referendum, on 19 December with the Scotland Bill, on 9 January with the site at Holyrood, and on 12 January with Second Reading; and, of course, this evening we complete Third Reading. We at least can take some pride and satisfaction in that achievement.

We have had contributions from other parties as well. Let me give a warning to the nationalists as the Bill embarks from the House to another place and as we embark on our work in Scotland. The nation of Scotland wants the Parliament to work for the people of Scotland. The test for the nationalists is simply this: do they want the Parliament to work for the Scottish National party? They have to make a big decision. We hope that they make the right decision and promote a people's Parliament, instead of a narrow self-interested policy of using the Parliament merely to cause a constitutional circus week in, week out, ensuring that we do not tackle the real issues that the Scottish Parliament faces.

We hear views about elections, but the interesting thing about Scottish politics is that Labour wins when we have an election, and some parties do well between elections. *[Interruption.]* Let me remind the Liberal Democrats, who are carping from sedentary positions, that, just over a year ago, Labour held 56 of the 72 Scottish seats. The Liberal Democrats held six. They attack the Tories for having nil, but six is not a large way from that.

I look forward—I relish the prospect—to the contest that lies ahead. Ultimately—although issues can be debated in this place, in another place or in consultative steering groups—the people of Scotland will make the biggest decision, on who is elected to the Parliament to serve as the 129 Members of the Scottish Parliament. As my right hon. Friend the Secretary of State said, there will be a Scottish Parliament, and he will embrace it. After today's Third Reading, I, too, can say that there will be a Parliament. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

NORTHERN IRELAND

That the draft New Northern Ireland Assembly (Elections) Order 1998, which was laid before this House on 11th May, be approved.—*[Mr. Clelland.]*

Question agreed to.

TEACHING AND HIGHER EDUCATION BILL [*LORDS*] (PROGRAMME)

Ordered,

That the following provisions shall apply to the remaining proceedings on the Teaching and Higher Education Bill *[Lords]*—

Report and Third Reading

1.(1) Proceedings on consideration and Third Reading shall be completed in two allotted days and shall, if not previously concluded, be brought to a conclusion three hours after the commencement of proceedings on the Bill on the second of those days.

(2) On the first such allotted day, paragraph (1) of Standing Order No. 15 (Exempted business) shall apply to proceedings on the Bill for any part of the period of six hours after the commencement of proceedings on the Bill which falls after Ten o'clock.

Business Committee

2. Standing Order No. 82 (Business Committee) shall apply to proceedings on the Bill.

3. No Motion shall be made to alter the order in which proceedings on consideration of the Bill are taken, but the resolutions of the Business Committee may include alterations in that order.

Conclusion of proceedings

4. For the purpose of concluding any proceedings which are to be brought to a conclusion at a time appointed by or under this Order—

(1) The Speaker shall put forthwith the following Questions (but no others)—

(a) any Question already proposed from the Chair;

(b) any Question necessary to bring to a decision a Question so proposed;

(c) the Question on any amendment moved or Motion made by a Minister of the Crown;

(d) any other Question necessary for the disposal of the business to be concluded.

(2) Proceedings under sub-paragraph (1) shall not be interrupted under any Standing Order relating to sittings of the House and may be decided, though opposed, at any hour.

(3) If two or more Questions would fall to be put under sub-paragraph (1)(c) on amendments moved or Motions made by a Minister of the Crown, the Speaker shall instead put a single Question in relation to those amendments or Motions.

(4) On a Motion for a new Clause or a new Schedule, the Speaker shall put only the question that the Clause or Schedule be added to the Bill.

(5) If on an allotted day a Motion for the adjournment of the House under Standing Order No. 24 (Adjournment on specific and important matter that should have urgent consideration) stands over from an earlier day or to Seven o'clock—

(a) the bringing to a conclusion of any proceedings on the Bill which under this Order are to be brought to a conclusion after that time shall be postponed for a period equal to the duration of the proceedings on the Motion, and

(b) paragraph (1) of Standing Order No. 15 (Exempted business) shall apply to proceedings on the Bill for the period after Ten o'clock for which sub-paragraph (a) permits them to continue.

Supplemental orders

5. If a Motion is made by a Minister of the Crown to amend this Order and if an effect of the Motion would be to provide a greater amount of time for proceedings on the Bill, the Question on the Motion shall be put forthwith and may be decided, though opposed, at any hour.

6. If a Motion is made by a Minister of the Crown to supplement the provisions of this Order in respect of further proceedings on the Bill, the Motion may be proceeded with, though opposed, at any hour and the proceedings, if not previously concluded, shall be brought to a conclusion three-quarters of an hour after they have been commenced.

Interpretation

7. In this Order 'allotted day' means any day on which the Bill is put down on the main business as first Government Order of the Day.—*[Mr. Clelland.]*

Manufacturing Trade

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Clelland.]*

10.35 pm

Mr. Austin Mitchell (Great Grimsby): The United Kingdom's balance of payments in manufactured trade has long been a worrying issue. However, I did not quite realise the extent of the problem until I began to assemble material for this debate. We are in the throes of a very rapid deterioration in the balance of our manufactured trade. The deterioration of the situation will be prolonged. Once started, such processes are very difficult and take years to turn round. Moreover, we are at the end of a period in which we have had problems generally with our balance of payments.

The United Kingdom maintained a surplus in manufactured trade from Roman times until the 1980s. In every quarter until 1983, we had a manufactured trade surplus. Subsequently, our manufactured trade balance went into deficit—which hit its lowest point in 1989, and has been maintained in every quarter since. The deficit is now becoming a gaping one.

We have paid for the deficit by our surplus in invisibles, which has been maintained in trade with the world outside of the European Economic Community. Our current account deficit with Europe is £6.8 billion, whereas, last year, our current account surplus with other countries was £10.5 billion. We have an overall surplus of about £4.5 billion. However, that surplus is now slipping. The protection and cover provided by that surplus in invisibles is declining, becoming a deficit.

Our manufactured trade deficit represents a long-term failure, which is clearly due to the destruction of so much of our manufacturing base under the Conservatives. They lost more jobs in manufacturing, did more to shrink our manufacturing base and closed more manufacturing than the Government of any other advanced industrial country. The loss has been a debilitating one, forcing us to face our current difficulties with a manufacturing base that is weaker than it should be.

Our manufacturing base provides the basis of our export effort, and our trade deficit—specifically our manufactured trade deficit—is debilitating our economy. The fact is that 60 per cent. of our exports are manufactured.

Our poor record in exporting manufactures has led to several consequences. The first is that our overall export growth has been depressed because of our poor record in exporting manufactures.

Secondly, our manufactured trade deficit has depressed the rest of our economy. It has effectively created a low economic ceiling, depressing and preventing our domestic economy from expanding as we need it to. We cannot grow, because we cannot pay for growth.

A third consequence of the slow growth in our manufacturing, which has been caused by our manufacturing industry's comparative failure and our trade deficit, is low productivity growth. Productivity growth is achieved more easily in manufacturing than in services. Productivity growth is largely a feature of increased production—if production goes up, productivity goes up. Our production has not been increasing at the same rate as everyone else's, which is one reason why UK productivity is low. The deficit is also the reason why growth has been low. This country's growth record is the worst in the advanced industrial world. We have had cumulative growth of just under 2 per cent. a year, which is half the world average.

Why has there been such a deficit in manufacturing trade? It is not unique British incompetence—although our manufacturing has a smaller scale of production and has invested less than its competitors. The deficit is certainly not due to industrial relations and the so-called power of the trade unions. That power and those industrial relations are, in the main, a result of failure to grow rather than a cause of it, because the fight to share out the cake is greater and more intense if the cake is not expanding.

There are three basic reasons why we have a manufacturing trade deficit. First, historically, our interest rates have been higher than those elsewhere in the world. Those interest rates are accompanied by a capital system that demands a quick and very high rate of return. Secondly, tight monetary policies have kept down demand. The third and most important reason is the high value of the pound. It is as simple as that. There has been prolonged overvaluation of the exchange rate since the late 1970s, through the 1980s and into the 1990s. It was at its highest in the early 1980s and early 1990s.

Overvaluation hits manufacturing particularly hard because manufacturing is in the front line of international trade. It is a hugely competitive area. New competitors are coming along all the time all over the world; competition is intensifying.

Mr. Kelvin Hopkins (Luton, North): Does my hon. Friend agree that the most successful countries in the post-war era were Germany and Japan, which ensured that their currencies were kept low relative to those of other countries? Their success was based largely, if not primarily, on a low exchange rate.

Mr. Mitchell: I agree with my hon. Friend the Member for Luton, North (Mr. Hopkins). Such countries began with a low exchange rate, which made it possible to invest in manufacturing and made exports profitable. They have maintained such exchange rates, failing to let them rise as much as they needed to when they were in surplus.

The world is becoming more competitive still. There are huge new competitors—specifically China. Prices of plastic goods, toys, basic stationery and all kinds of manufacturing equipment and produce are plummeting as China enters the market. Our industry is being asked to run a competitive race with the new tigers, especially China with its very low costs, with a ball and chain on each leg. The ball on one leg is marked "overvaluation" and the one on the other is marked "high interest rates". Together, they are crippling manufacturing.

The situation that emerged in the 1980s is getting worse. The balance of trade in goods and manufactures is turning sour. In the three months to the end of February 1997, we had a manufacturing trade deficit of £2.7 billion. In the three months to the end of February 1998, the deficit had risen to £4.6 billion, and it has accelerated since.

The Confederation of British Industry quarterly trends survey in April stated that manufacturing optimism about export prospects had seen the largest fall since July 1980;

business confidence had seen the sharpest fall since October 1992; export orders had declined at the sharpest rate since January 1989; and firms with fewer than 200 staff that make intermediate goods had been harder hit than other sections. We are seeing a fall in export orders.

The CBI figures are paralleled by other figures from the Engineering Employers Federation, British Steel, Toyota, which is reporting a loss for the first time in three years, chemicals firms in Grimsby and food production firms. They all face international competition and are all shackled by overvaluation. Today's figures in the Marks and Spencer report show that the company is suffering in France owing to the high value of the pound. In a range of company reports, export prospects are dimming, exports are falling, and a wind-down in export sales is being predicted.

That is grim news for jobs in my part of the country and others that depend on manufacturing. It might not be so grim for the financial sector in London, but companies there will also be hit by the problem eventually. It is grim for investment and for growth. Manufacturing accounts for only 20 per cent. of employment, but it employs a lot of services because of the trend to contracting out. It is not accurate to look at the manufacturing figures in isolation.

The pace of those developments is growing because the pound is still grossly overvalued. It is overvalued because our interest rates are too high and speculative flows are coming out of Europe to buy sterling because it is a safe haven that gives a high return. It is overvalued because the deutschmark—some people might find this extraordinary—has been managed down and the French franc has depreciated with it. Sterling is also overvalued because many far eastern countries have undergone substantial devaluations.

The decline in our manufacturing trade and the growth in our deficit will not end until the pound comes down, and it will not end immediately even then. Because of the J-curve effect, the situation will turn round only slowly. It is no use clutching at the slight fall of a few pfennigs since the summit agreeing monetary union as a hope for the future. More rubbish is talked on that subject than on any other. A headline in the *Financial Times* of 13 May said, "Fall in sterling has yet to lift exports". That is the most incredibly stupid headline. The fall in sterling happened during the six weeks before that headline appeared. Does the *Financial Times* expect that exports will suddenly turn round because a few pfennigs have come off the value of the pound? Even that fall was only about 20 pfennigs from DM 3.10 to the pound at the end of March. It is incredible that people can clutch at that as a straw of comfort in a disastrous, deteriorating situation.

Mr. Hopkins *rose—*

Mr. Mitchell: My hon. Friend wants to become a chorus.

Mr. Hopkins: I am grateful to my hon. Friend for giving way again. He is pointing out that the journalists know nothing about the J-curve and time lags in such matters. Relatively small changes in exchange rates make almost no difference. Would he like to comment on the TUC's suggestion this week that an exchange rate target of DM 2.50 might be reasonable? I think that that is still too high, but at least it is a start.

Mr. Mitchell: The scale of depreciation needs to be more substantial. Once damage has been done, it is difficult to reverse. To aim at a target, we have to be able to manage sterling by controlling interest rates. I do not want to go too far into that matter.

This is a non-partisan issue. It is not career-enhancing for me to be making this speech. I have seen Back Benchers rallying round at Treasury questions and Trade and Industry questions in the past few weeks, asking supportive questions. Members from steel areas have said that even though the pound is a bit overvalued, we are still competitive and we are fighting on. Others have said that the situation reduces the price of raw materials, as though the value added in this country were unimportant. Others clutch at the straw that the pound is falling, or that exports are holding up. That makes no political sense. It is Back Benchers' responsibility to tell Ministers when things are going wrong. Things are going wrong in our areas.

Mr. Michael Jabez Foster (Hastings and Rye): Does my hon. Friend agree that companies that find niche markets in which they have particular expertise are doing well in the export market? Several companies in my constituency have been bucking the trend. That may not be an overwhelming success, but it is an achievement in the market that he has described.

Mr. Mitchell: There are always exceptions in any situation. We have to consider the overall figures, because they determine the prospects, the level of investment and the number of closures and jobs. A couple of swallows do not make a summer, just as a few pfennigs fall in the value of the pound does not make a devaluation. It is no use concentrating on those; we have to concentrate on the overall picture, and on bringing that home to Ministers so that we can have action. We should not try to coat the picture with honey for party political purposes.

The Conservatives will always say that the pound is in a disastrous situation. They put industry into this mess by the debilitating way in which they treated it for 20 years; no wonder it has been hit. It is hypocritical of them to make the present position a party political issue. None the less, it is the responsibility of those of us who represent manufacturing areas to say what the problem is—and, in my view, to say that there is no way out unless the pound falls.

If the pound does not fall, it simply will not be profitable to produce in this country with such overvaluation. If the overvaluation is sustained, production will go elsewhere. We have already seen the threat from Nissan, and the problems that Vauxhall has had in the constituency of my hon. Friend the Member for Luton, North.

Overvaluation is a threat to inward investment. Why should firms invest in this country if it is not profitable to produce here? There is the right to roam. The new German and Japanese owners of British industry cannot be bought off, fobbed off and conciliated by the prospect of knighthoods or seats on the board of the CBI, as British management was. Those people have a more realistic

[Mr. Mitchell]

view of things. They want to produce profitably, and if they cannot, it is "Sayonara—goodbye, that's it." They are warning us, and rightly, too.

Ministers say that industry must be efficient, reform itself and make itself more competitive, but industry cannot become 25 per cent. more efficient or produce a productivity surge of 25 per cent. to cancel out the overvaluation—and if it cannot do that it cannot survive in the increasingly competitive markets that we now face.

British industry is not the most productive or the most competitive, and the additional burden of overvaluation is an impossible hurdle for it to jump. The problems of British industry can be put right only by growth, which means expansion, improvement in productivity and investment. All those come from an exporting prospect, which in turn comes from competitiveness.

Without that prospect, people will not invest—and the situation that we now face is the very reverse of it. A balance of payments deficit that lies basically in manufactured trade is usually an excuse for deflation. We reduce the demand for imports with which we cannot compete, by deflating demand in this country. That is usually an excuse for higher interest rates. Indeed, interest rates have to rise if we are to finance the deficit that we are incurring.

I have seen that happen twice in the 1980s, and I do not want it to happen to my Government, blurring and destroying the bright prospects that we need to fulfil in terms of expanding the economy, generating growth, creating jobs and improving the lot of our people. I do not want us to be deterred from that process, on which we must embark by fighting and reversing the balance of payments deficit. We cannot do that by clutching at straws. We have to act.

I do not suppose that, in his reply, the Minister will suddenly decide to tell me how right I am. Adjournment debates are usually an opportunity for a defensive reply. I suppose that the Department, and the Government as a whole, cannot submit to the arguments of one Back Bencher. However, I hope that, beyond the defensive reply that we shall hear tonight, the Government are seriously considering what can be done.

The present situation cannot be prolonged, because it is ruinous for jobs. Unemployment is beginning to rise—as it will, because manufacturing will shed jobs. Overvaluation is also ruinous for growth and for all the things that Labour wants to achieve—indeed, it will undermine all that we need to achieve. Unless we turn the situation round, we shall fail.

It is no use hoping that economic and monetary union will stabilise Europe and rescue us. There is a nightmare prospect that no one seems to be considering—that the euro will not be the hard currency that everybody expects. All the expectations held out hitherto—such as the idea that the convergence criteria would be fulfilled—have been belied in the event. If expectations are now held out that a hard euro will save us by making its users less competitive in comparison with us, thereby improving our position, they can easily be belied too. There is every prospect that the euro will be soft. The Germans have depreciated the deutschmark, which could be a last fling before the hard and rigorous disciplines of marriage, but it could also be the prelude to further depreciation to create a soft euro, as that would be the best way in which to make the single currency acceptable—it would cause employment to expand, and unemployment is the horrendous problem in Europe at the moment. A soft euro could make things worse for us.

Given that there are lags—export performance picks up only some time, perhaps two years, after a competitive reduction in the exchange rate—we must act now and act quickly to bring down the pound. There are many ways in which that can be done—I shall not go through them tonight—but the balance of payments deficit in manufacturing trade will be put right only if the exchange rate is more competitive. We must now bend our efforts to find how we can secure a more competitive exchange rate—otherwise we shall be stuck in recession and a balance of payments trap.

10.55 pm

The Minister for Competition and Consumer Affairs (Mr. Nigel Griffiths): I congratulate my hon. Friend the Member for Great Grimsby (Mr. Mitchell) on raising the important matter of manufacturing. We all share the sentiments that he has articulated tonight. I assure him and the House that the Government will give no defensive reply; we intend to take his pertinent points and long-standing criticisms—which extend over at least 18 years—very much to heart and to address them directly.

I welcome my hon. Friend the Member for Luton, North (Mr. Hopkins), who speaks eloquently for his constituents—he made some telling points, to which we have listened. In putting his constituents' case so well, he is proving that Luton, North is being listened to in a way in which it has never been before.

I say the same to my hon. Friend the Member for Hastings and Rye (Mr. Foster)—never has Hastings and Rye been better represented in the House. He speaks for business and manufacturing in his constituency with a concise articulateness that means that Ministers have to listen—as, indeed, we are.

That contrasts with the sorry state of the Conservative party. This is the first Adjournment debate that I have attended in 11 years as a Member of Parliament at which no Conservative Member has been present. Where is the right hon. Member for Wokingham (Mr. Redwood), the shadow Secretary of State for Trade and Industry? Does he really care about manufacturing? Is he listening to the real concerns that are being voiced by employees, families, businesses and manufacturers throughout the country? The answer, sadly, is no. Conservative Members have been absent throughout the debate, as have the nationalists. I welcome as the representative of the Liberal Democrats the hon. Member for Torridge and West Devon (Mr. Burnett), who managed to catch the tail-end of the contribution of my hon. Friend the Member for Great Grimsby—we are pleased that he is listening.

We have heard tonight the real concerns about the deficit in manufacturing trade. I assure the House that the Government recognise the important part that manufacturing industry plays in our economy. It has both a direct and an indirect impact on local jobs and local prosperity. It employs 4 million people directly and its output amounts to a fifth of our gross domestic product.

The manufacturing sector provides a vital contribution to our trade. Manufacturing production is about 10 times as likely to be traded across international boundaries as

services are. That means that firms in the manufacturing sector are much more likely to feel the full brunt of international competition. It can, however, serve to strengthen those firms and improve productivity, as I think we would all acknowledge, which is why the Labour Government are doing their best to ensure that manufacturers, as well as non-manufacturers, are given the opportunity to thrive. The latest figures show that, in the three months to February, manufactured exports were 1.5 per cent. higher than in the previous three months, but the legacy of the previous Government remains: the deficit still exists.

The Government inherited an economy with many fundamental weaknesses. Over the past 30 years, manufacturing output and exports grew at a slower rate in the United Kingdom than in any other G7 country. Under the previous Government, instability did incalculable damage to manufacturing. Trade in manufactured exports has been in deficit each year since 1983: the first time in our history that manufacturing has been in deficit in peacetime.

We have created a stable macro-economic framework in which British companies will be able to plan and invest for the future. Industry has long been asking for a stable environment with sustained growth, low inflation and sound public finances. Even my hon. Friend the Member for Great Grimsby will acknowledge that the Government are delivering that.

A stable framework is also the key to achieving a stable and competitive pound over the medium term. Of course, we fully recognise the worries of manufacturers about the current level of the exchange rate—no more so than in Luton, North, Hastings and Rye and Great Grimsby—but we must avoid the short-term view that led to the damaging cycle of boom and bust. There are no quick and simple fixes to the short-term pressures facing manufacturing industry. A more stable exchange rate, which will suit more of our traders, will be achieved only through a stable framework. It is also worth noting that two thirds of sterling's recent appreciation occurred under the previous Government.

As has rightly been pointed out, macro-economic stability is not enough. If we are to reverse the current trade deficit in manufacturing, our firms will need to become more competitive. There is evidence to suggest that the UK became less competitive in the 1980s. The trade deficit in manufacturing grew rapidly from 1983 to 1989, and import penetration in the UK was higher than the Organisation for Economic Co-operation and Development average throughout 1979–96; over that period, UK import penetration followed an upward trend relative to the OECD.

The loss of competitiveness under the previous Government needs to be recovered and further improved on. That is why the Government are working in partnership with business to help British companies to become as competitive as possible, generating the wealth that the nation needs, as well as good jobs and opportunities for all our people.

Many vital areas must be addressed if we are to improve the competitiveness of British firms. The performance of all our firms—not only our weakest performers, and not only manufacturing firms—has to be improved. I fully acknowledge that the manufacturing sector makes an important contribution to UK trade, but we must not ignore the other components of the balance of payments.

UK trade in services has been in surplus every year since 1965—in Harold Wilson's Government—and in the three months to February the surplus was £1.8 billion; but export and trade promotion are as vital now as ever. Today, both the Prime Minister and the President of the Board of Trade are in Geneva celebrating the 50th anniversary of one of the greatest achievements of the post-war era: the creation of the general agreement on tariffs and trade. Our commitment to the multilateral trading system and free trade remains as strong as ever. We recognise the vital role that trade has to play in the creation of jobs, prosperity and growth, and we seek to promote trade wherever we can.

Improving British manufacturing firms' ability to exploit export markets is an important part of increasing our competitiveness. Here, the Government as a whole, and, in particular, the Department of Trade and Industry, have a crucial role to play. The DTI is assisting manufacturing companies in their marketing operations abroad in a number of ways. The export forum set up to review current activity has now issued its report; it makes several recommendations as to how support could be delivered more effectively.

One important recommendation is that we should select a smaller number of markets, based around two categories: those that are accessible, reasonably straightforward to enter and suitable for the new or less experienced exporter; and those that are growing fast.

High and sustainable employment requires a stable economic environment, to which the Government are committed, and not the boom-and-bust instability of the past. The whole House will welcome the fact that the latest figures show a rise in manufacturing employment of 6,000 in February, and of 22,000 on a year earlier.

There is clearly much to be done. I am grateful to all my hon. Friends who have contributed to this important debate, and no more so than to my hon. Friend the Member for Great Grimsby.

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at five minutes past Eleven o'clock.

House of Commons

Wednesday 20 May 1998

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Adjournment (Whitsun)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Kevin Hughes.]*

9.34 am

Mr. Harry Barnes (North-East Derbyshire): A serious incident, which could have been disastrous, occurred in north-east Derbyshire last Thursday. It happened at about 5.30 pm in Killamarsh in my constituency on the Leigh Environmentals site which, since autumn 1997, has been owned by Sarp UK Ltd., which has a French parent company. A tanker leaked sulphuric and nitric acid, which led to the formation in the area of an orange cloud whose vapour threatened the Killamarsh community and, later, other communities as it moved around.

Vapour from sulphuric acid can quickly damage lungs, burn and eat away flesh and strip paint from cars. Sulphuric acid in water kills fish, and plants survive the vapour little better. Laboratory technicians know that sulphuric acid burns holes in their coats. Nitric acid is similar, but it vaporises more easily and was perhaps the basis of the cloud in the area.

The incident was so serious that emergency planners considered evacuating thousands of people from the Killamarsh area. However, they decided not to do that as they feared that they would move people into the path of the shifting cloud. The situation could have been worse if the fire brigade had not already been on the site dealing with a minor leak to which the management had alerted it. When the fire brigade arrived, the leak became much more serious and the vapour cloud developed. It could also have been worse if children had been at a nearby primary school and had had to be locked away in the school while their parents worried about what was happening.

The site is next to the Rother Valley country park. Fortunately, few people were there at the time of the incident—although its many fish, birds and other wildlife were in danger from the cloud. The vapour cloud moved into the Rother Valley constituency, then moved towards Halfway, which is part of the Sheffield, Attercliffe constituency, before changing direction in the wind and moving towards the Bassetlaw constituency and dispersing. Therefore, it moved through at least four parliamentary constituencies located in three counties—Derbyshire, South Yorkshire and Nottinghamshire—where different authorities are responsible for public protection.

Inquiries and investigations are being conducted by the Environment Agency, the Health and Safety Executive, environmental health officers and the county council. The four Members of Parliament from the constituencies that I have mentioned, including me, have asked the Minister for the Environment to co-ordinate action and to conduct his own investigation. I reinforce that call now. I also wish to raise some matters that must be pursued in the ministerial investigation.

At first glance, the emergency action at the plant seems to have gone according to the book. However, off-site emergency arrangements were ad hoc because there was virtually no plan on which to act. Some people did some excellent work in trying circumstances, but existing planning provisions must be examined closely.

The police blocked off some, but not all, of the roads into Killamarsh. Many of the drivers of the cars that were turned away had families in Killamarsh whom they wanted to reach. Buses were stopped, and passengers left them and walked into Killamarsh. Helicopters were sent to the area to tell the people of Killamarsh to get indoors, to close their windows and generally to close themselves in. Unfortunately, people had to go out of their homes to hear the messages. I have come across only one constituent who heard what was being said.

Other firms are situated next to Leigh Environmentals, and they seem also to have been in the dark. They did not know what was happening or what they were supposed to do.

Unfortunately, the Control of Industrial Major Accident Hazard Regulations 1984 do not apply to the plant. The regulations call for an off-site emergency plan—for example, having a siren system, providing instructions to householders about what they should do in the event of an emergency, and ensuring that emergency exercises take place so that the population in the area is used to what is done. That provision operates, for instance, in my constituency at Staveley Chemicals. People in the area have cards in their homes that explain what provisions are made when an emergency arises. Nothing like that was available when the incident took place at Killamarsh.

There are the questions whether the CIMAH regulations should apply to Killamarsh and whether they should be extended. Even if they are not to apply legally, should they not voluntarily be acted on quickly? Should there be alternative regulations operating in respect of the chemical reclamation plant that is known locally as Leigh Environmentals?

The 1982 European Union's Seveso directive is not yet fully in place. It sets up the EU regulations on the control of major accidents and hazards. A consultative exercise is taking place under the Health and Safety Executive, but it will not report until September. At the very least, the situation at Killamarsh needs to be taken on board by the HSE. Every encouragement needs to be given to ensure that the HSE's report is produced quickly, that it is a serious report and that it is acted on.

The incident arose from a leaking tanker, not from a failure of any of the on-site processes. There have been failures at the Leigh Environmentals plant. Following one such failure, I initiated an Adjournment debate way back on 20 February 1990. The current incident at Killamarsh was the result of a leak from a tanker, which could have occurred anywhere between British Aerospace in the west midlands, where the material was collected, and Killamarsh.

[Mr. Harry Barnes]

The tanker was one of Sarp's fleet of tankers. That fleet needs to be checked out thoroughly. Following this incident, the implications of all tankers carrying dangerous materials should be investigated closely.

Residents in the area continue to complain of nauseating smells, especially from the main drains and sewers in Killamarsh. They blame Leigh Environmentals for those smells. There is confusion over who is to be held responsible when complaints are made. The environmental agencies, environmental health officers, the district council and Yorkshire Water are contacted. People often find themselves moved from one authority to the other without any clear action being taken. Greater co-ordination is needed, as is greater clarity on who is responsible for what, so that when problems arise and are fed into one agency and it is decided that another agency should act, the relevant information is passed on quickly to the other agency and every effort is made by the body that received the information to assist the process.

The Environment Agency grants consents for the disposing of liquids from Leigh Environmentals to the sewers. When those liquids are discharged they may be subject to bacteriological change, which may cause the hydrosulphide smells. That, or something similar, may occur, given the mixture of elements in the sewers. That should be faced when the Environment Agency grants consents in the area. It needs to be taken on board by the Minister for the Environment.

I shall summarise what I see as the immediate requirements. First, we need a proper investigation through the Department of the Environment, Transport and the Regions that is openly reported. Secondly, we want a full off-site plan to be operated in the area. Thirdly, we want regulations requiring stringent community safety, which will be part of that plan. Fourthly, we want a checking of tankers, especially the Sarp fleet. Fifthly, we want clear environmental controls to tackle dangerous discomforts in the communities involved.

Unless there is a dramatic improvement, this will not be the last occasion when I shall endeavour to raise the matter in the House. However, this is my first opportunity to do so. I am sure that my right hon. Friend the Leader of the House will ensure that the information that I have put before the House is passed to the Minister for the Environment and that there are responses to the points that I have raised.

9.46 am

Mr. David Amess (Southend, West): Before the House adjourns for the Whitsun recess, I wish to raise four brief matters. Probably the Leader of the House is thinking, "My goodness, here he goes again. It was all raised during the Easter Adjournment debate."

First, there is the relationship between the Government and the House of Commons. Again, probably, the Leader of the House will be suggesting that I attend the debates of the Modernisation Committee. I thoroughly disapprove of what is going on here. This place is slowly but surely being destroyed. I think that the Labour party was primarily to blame for the appalling turnout in the local elections. We have only to think of Salford, where only 11 per cent. of the people voted. In many areas, the turnout was 20 per cent.

Mr. Lindsay Hoyle (Chorley): It is interesting that the hon. Gentleman is blaming the Labour party for a turnout of 11 per cent. at Salford. Would I be correct in thinking that, of the 11 per cent., probably only 1 per cent. was voting Conservative, if the Conservative party was lucky? The apathy lies with the Conservative party in Salford.

Mr. Amess: I have no detailed knowledge of the politics in Salford. Whatever the 11 per cent. who voted were, surely it is something which all Members should be depressed about. It is clear that 89 per cent. of the electorate did not think that it was worth voting. That is all about the way in which this place is being run.

Mr. Bob Blizzard (Waveney): Does the hon. Gentleman agree that the turnout at local elections has some relationship to the amount of literature that may be put through constituents' doors to remind them that the elections are taking place and to encourage them to vote? Is the hon. Gentleman aware that, in most of the wards that were up for election in my constituency, the Conservative party did not put a leaflet through anyone's door? I wonder whether that contributed to the low turnout.

Mr. Amess: Obviously, I regret that. I have no knowledge of the hon. Gentleman's constituency. However, the style of government since 1 May has meant that fewer and fewer people are interested in politics.

Mr. Hoyle: As the hon. Gentleman has so much knowledge, could he tell us how many people turned out to vote in Basildon?

Mr. Amess: The hon. Gentleman may be a little out of touch—I no longer represent the Basildon constituency. I am the Member of Parliament for Southend, West. My former seat is now represented by two hon. Members, one Conservative and one Labour.

The House will be delighted to know that I worked in six areas in the local elections. On election night, I worked in the constituency of Basildon, in the ward where the Labour Member of Parliament lives. I am delighted to say that we won the seat from the Labour party, so it was a Conservative gain. We also gained five seats in Basildon.

In the Easter Adjournment debate, I complained to the Leader of the House that the Prime Minister's attendance in this place was appalling. He might have listened to one or two people because he has made two or three statements since then, but his voting record is only 5 per cent. The voting record of his two predecessors, who were older than he is, was 30 per cent. The right hon. Lady will no doubt mention Ireland when she eventually sums up the debate, but the Prime Minister's two predecessors had just as important matters to deal with. For whatever reason, the leader of the Labour party simply does not think that this place is as important as talking to newspapers and appearing on television.

My main point is that, while some Ministers are excellent in dealing with constituency correspondence—their replies are courteous and they do everything possible

to help—others take more than three months to reply, which is simply not on. Moreover, when letters are continually signed "pp", it is deeply insulting to hon. Members, and constituents will draw their own conclusions. I have tried to be non-partisan by praising those Ministers who deserve praise, but I hope that the Leader of the House will have a quiet word with one or two Government Departments—I am not prepared to name them now.

My second point concerns British Rail. I doubt whether hon. Members here today recall my "Public Journey" shown on television, which I undertook with one or two Essex Members of Parliament and a former British Rail chairman. It was a most unsatisfactory public journey—we used to call the Fenchurch Street line the "misery line". The chairman did not remain in place for long after that. I hope that a number of hon. Members saw the *Evening Standard* article last night, in which many of my constituents and others in Essex were interviewed. They have been very pleased since our line was privatised. Before that, the general manager on the line was second in unpopularity to Saddam Hussein. They now think that he is doing a splendid job. The punctuality of trains has risen to 95 or 96 per cent., and the service has improved immeasurably.

Would the Leader of the House be prepared to comment on the privatisation of the London-Tilbury-Southend line as it affects the area that I represent? Is she prepared to say that privatisation has been a success?

Mr. Paul Tyler (North Cornwall): Does the hon. Gentleman recognise that that satisfaction is far from universal? In my area, which is served by Great Western, satisfaction levels have declined to such an extent that the company has written to us apologising for the fall in standards. I missed a meeting chaired by the Leader of the House last night because my train was an hour and a half late. If the hon. Gentleman has a good experience to report to the House, it is unique.

Mr. Amess: I note the hon. Gentleman's comments. I am quite satisfied to represent one constituency at the moment, although, for 14 years, I represented another. I am not prepared to get involved in the local matters of other hon. Members. I simply make the point that, throughout my time in this place, I have campaigned for the privatisation of British Rail and, in Essex—an important part of the country—people are delighted with the privatisation of British Rail. I just wondered whether the Leader of the House has plans to renationalise British Rail.

My third point concerns Southend borough council and Essex county council. I must be very careful with my language, because I am only too well aware of what has been going on in the House since 1 April. The Prime Minister is being fed completely inaccurate briefing. It is absolutely disgusting that the Labour party in the House thinks that it can blame everything that is unsatisfactory in Essex on the Conservative administration since 1 April, while the Labour Government, who have now been in office for more than a year, are not prepared to accept responsibility for anything that goes wrong. We hear endlessly about the Conservative Government—

Mr. Hoyle: The hon. Gentleman says that the trains now run well in Essex, and the Labour party should take the blame. Should not the Labour party therefore take the credit for the punctuality of the trains?

Mr. Amess: I should be delighted if the Leader of the House would come to the Dispatch Box and say that privatisation has been a great success and that Her Majesty's Government will take the credit for that. Unfortunately, the record in *Hansard* will prove that the Labour party fought the privatisation of British Rail from the very outset.

As I was saying on the subject of Southend borough council, a little while ago we had a by-election in Southend. We won the Chalkwell seat from the Liberal Democrats, so Southend borough council now has 19 Conservative, 13 Liberal Democrat and seven Labour members. Thus, with their majority of one, the Liberal Democrat and Labour parties together vote everything down. Interestingly, since Southend became a unitary council, the Liberal Democrat and Labour parties have voted for an increase in social service charges, which will come into effect on 1 June. The cost of meals on wheels will rise by a third, and home care charges, about which we heard endlessly before the Labour party assumed government, will rise by 70 per cent. Home care charges are being increased from £6.20 to £10.50 a week, and meals on wheels charges are being increased to £1.80 for a main meal. The Conservatives voted against all those rises.

None the less, the Labour Member of the European Parliament has been running round Essex petitioning people to sign up because of changes that the Conservatives in Essex county council have imposed since 1 April. Not a word has been said by the Liberal Democrats locally or nationally about the disgusting increases in social service charges in Southend, but plenty has been said about Essex county council, and plenty has been said from the Dispatch Box in the House. It is disgraceful.

On education, the main platform in Essex and Southend, the Labour party has broken its promises. Class sizes in my constituency are going up all the time. Some 1.3 million primary school pupils are in classes of 31 or more, which is the highest figure for 20 years. That has happened not as a result of 18 years of Conservative government, but because of Labour and, to an extent, Liberal Democrat party policies.

Westborough school, in my constituency, is the largest primary school in Essex, with more than 800 children, and the headmistress does not even have a room from which to work. All the schools in my area are full. Many parents come to my surgery to complain. Parental choice cannot apply to them because the nearest secondary schools with vacancies are about four miles away.

In terms of local government, will the Leader of the House say what the Labour party will do to rectify the problem in my constituency, given that the local authority, which has become a unitary authority, is controlled by the Labour and Liberal Democrat parties?

Incredibly, the Government allowed for increases of only 0.5 per cent. across all services, although inflation went up to a six-year high yesterday. The Prime Minister

[Mr. Amess]

has the cheek to come to the Dispatch Box and pretend that the Conservatives are to blame for changes since 1 April. Every week, different figures are used by Labour Members in the House, so I am delighted to put the record straight. We should compare the Conservatives' spending proposals since 1 April with those of the Labour and Liberal Democrat parties, which cut education spending in real terms by £12 million last year. The Conservatives in Essex are spending £12 million more on social services than the Government set out in the standard spending assessment, and they have to deal with the dreadful mess left by the previous administration under which a huge amount was raided from our reserves.

My final point relates to young people. On Monday, I had the privilege of participating in an all-party forum that was organised by Essex county council. Young people aged from seven to 17 put their points to parish councillors, councillors and Members of Parliament, which was worth while.

I am the vice-chairman of the all-party scout and guide group. Last week, the hon. Member for Colchester (Mr. Russell) and I visited Baden-Powell house. We met the international secretary of the scouting movement, who shared with us a comprehensive programme to cater for the needs of young people in today's society.

The programme has a global educational background and I should like to share with hon. Members a few of the movement's thoughts. It believes that young people, first, should develop themselves to test their abilities and to discover the world around them, in whatever forum; secondly, require access to knowledge and competence to understand the real world; thirdly, need an active and responsible role in social life; and, fourthly, will acquire status and a stake in society through such a role.

Although some people may smirk at that, I believe that the scouting and guide organisations do a magnificent job. A huge army of volunteers are offered an opportunity to learn beyond the traditional boundaries of formal education. The organisations base their strategy on four pillars: learning to know, learning to do, learning to live together, and learning to be. They offer an environment in which non-formal education can flourish and, in today's society, where there are more dangers than ever before, non-formal education is an essential part of the education process. The scouting organisation believes that schools teach more and more, but, in some respects, educate less and less; that families give more freedom, but not more autonomy; and that we teach the cost of everything, but the value of nothing.

Many local authorities throughout the country are trying to launch youth initiatives. I praise Leigh parish council, which is the only parish council in my constituency, and congratulate its first chairman, Councillor Mike King, his successor, Councillor David Johnson, and the current chairman, Councillor Mike Dolby, on their initiatives to promote and encourage young people.

I hope that every hon. Member will take careful note of the Whip this week, because, thanks to the hospitality of Madam Speaker, the scout and guide organisations will enjoy a tea party in her state apartments on 18 June. Perhaps newer hon. Members are not aware that every hon. Member is entitled to invite scouts, guides, beavers or rainbows from their local organisations to enjoy the hospitality of the Speaker. On that non-controversial note, I hope that hon. Members will agree with my sentiments and do everything they can to support our annual tea party.

10.4 am

Mr. Lindsay Hoyle (Chorley): I am sure that hon. Members will wish Madam Speaker well on the 25th anniversary of her election to the House. It should be a glorious day for her, as the sun is shining.

I want to speak about something radical and different—the reorganisation of police forces. Crime knows no barriers, and there is a great opportunity to consider restructuring. Police officers do a tremendous job in impossible conditions: resources are badly stretched, police officers are thinly deployed—they are the thin blue line—and there appears to be an impossible conflict between targeting major crimes and providing essential community presence and service locally.

The solution to that conflict of interest lies in reorganisation of the structure of our police force. I should like my right hon. Friend the Home Secretary to consider reforming the police structure to make it similar to that used by many other nations, especially on the continent, where there is two-tier policing. We would benefit from regional policing and local policing by a district police force.

Regional development agencies are being discussed, so there is no better time to consider reorganisation of the police force structure. There could be a north-west police force instead of the existing five forces, five chief constables and several assistant chief constables, which is a costly way to administer the area. In addition, we could provide community policing at local level with the introduction of local forces. Instead of separate county forces, pooled resources in one region would achieve a greater police force, with more officers being employed in the fight against crime.

Police forces no longer reflect crime areas. Using the motorway network, criminals can be in different counties in minutes. The north-west is best placed with motorways and has a good network of roads. Logistics ensure that people can be here, there and everywhere in a short time, but also that crime moves throughout the region. The north-west is not unique, however. In the south-east, for example, the M25 gives mobility to criminals.

The police force structure should be reorganised to reflect the new regional nature of crime patterns. That should involve rationalisation of the county constabularies, which were established when car ownership was low and crime was locally based. We should consider a single chief constable for each region. What person would be better for such a post than the chief constable of Lancashire, who is doing a wonderful job? We must consider the great specialism within the force and achieve even greater professionalism.

Chorley is between Greater Manchester and Merseyside. A gang from a neighbouring force area could commit a series of burglaries in Chorley and be back home in half an hour—and back in an area covered by a different police force, which makes it difficult to track such criminals. The region has shrunk with the advent of mass car ownership, so I want a force that is more co-ordinated and can share operations and intelligence much more closely.

We should consider air support. The Cheshire force has an aeroplane, and the Merseyside, Lancashire and Greater Manchester forces have helicopters, but I believe that the Cumbria force has neither. What could be better than them combining and developing their resources in a north-west region? Instead of competing with each other, they could position that air supremacy to be better deployed to deal with crime.

Sharing expensive resources would allow costs to be redirected into other operations. Police horses, which are an important part of policing, put a presence on the streets, but each force has its own horses. Instead of each force in each region having separate mounted divisions that are not used daily, would it not be better strategically to position mounted sections and move them to wherever they are required? I shall forward those ideas not only to the Home Office, but to the Association of Chief Police Officers, the Police Superintendents Association of England and Wales and the Police Federation, the people on the ground with expertise.

I think that all hon. Members would agree that community policing is important. Although I wish to maintain a highly motivated, highly efficient police force, that should not detract from the presence on the ground and in the community. Sir Paul Condon has stated that there is no longer a place for the bobby on the beat. That is not acceptable, and I do not believe that anyone supports that. Highly visible policing makes people feel secure, comfortable and able to relax in the community in which they live.

Perhaps, as a complement to the more specialised regional force, district police forces might be set up to concentrate on lower-level crime in the local community. For example, if a car radio is stolen, it is expensive for a constable to come round and, more often than not, people are given a crime number over the phone. A new generation of district police forces could deal with minor crimes such as a kiddie's bicycle being stolen, vandalism and petty theft. People feel that such crime should be covered and they would feel more secure because they would have a district policeman, not someone who has had specialised training and is a community policeman, who is with them for 18 months and is then moved when he is suddenly asked to train in another specialism or when the CID takes him for 12 months.

We do not have that community identity, that link with the bobby on the beat. We should re-establish that and this is a way. The Home Secretary talks about truancy and the police taking children back to school, but, to be realistic, that is impossible unless we can generate a new police force. There were many arguments when traffic wardens were introduced. People said that, by putting tickets on cars, they took away the rights of the police, but traffic wardens have proved to be successful. Without them, the roads would be clogged and we would not have been able to manage.

We have an opportunity to develop a district police force. It could give an enhanced role to the special constabulary, which performs an important, much-needed and valuable function, and which could be expanded to help police local communities.

It is farcical that highly paid, highly trained police inspectors in traffic divisions spend their time changing the film in Gatso speed cameras or setting up speed traps. Surely someone else should be doing that job. Local police forces would have the time and resources to make our local areas safer. Local police officers would have a better opportunity to build a rapport with the local community, improving relations between the local bobby, residents and local businesses, and having a specific knowledge of local trouble spots and problems.

In addition, a reorganisation would provide the opportunity to establish a national force for the motorway network, coverage of which varies greatly from county to county. It is interesting is that, when I go up the M6, I go through Cheshire, and, within minutes, I am in Merseyside and, again within minutes, I reach Greater Manchester and Lancashire. Surely the policing of different counties covering small sections of the M6 is not viable and should be examined. Crime on motorways does not take place in just one county area.

Those suggestions would require much work. I hope that the Home Office will look at them carefully and establish an all-party working group to look into new policing in the next millennium.

10.12 am

Mr. Alan Clark (Kensington and Chelsea): I should like to address the House on the subject of the nine volumes that have been compiled by English Heritage cataloguing 1,500 grade 1 and grade 2 listed buildings that are deemed to be at risk. I must declare an interest as I am the owner of a grade 1 listed building. That building has been identified in the directory. I ask the House's indulgence because not only am I speaking from personal experience, but, having been "named and shamed", I can try to illuminate from personal experience what exactly is involved.

I think that we would all agree that naming and shaming is a dubious practice at the best of times and never more so than when practised by the Government or one of their agencies.

Mr. Eric Forth (Bromley and Chislehurst): Or a diarist.

Mr. Clark: I named, but did not shame. My right hon. Friend interrupts me with a flippant reference to my authorship, but I do not think that I have shamed anyone in my life, although often perhaps brought opprobrium on my own head, but that is another matter.

The House will remember with respect, if not affection, a former President of the United States, Mr. Lyndon Johnson. He ran into difficulties before he was President when fighting a primary. It was in a state that was distant from his home and where he was not well known, and he was fighting against a very worthy opponent, a church-going, greatly respected pillar of local society.

Johnson was not making much impact and polling day was approaching. He and his staff had to make a decision. They had a little council of war, of a kind familiar to us all when we are behind in the polls, as to what they should do. Johnson said that they should leak the news that their distinguished and church-going opponent had been guilty of vile and unnatural practices, which I will not identify on the Floor of the House. The entire council said, "We can't do that. No one would believe it and, anyway, it is not true." Johnson replied, "I just want to hear him deny it."

[Mr. Clark]

I revert to personal experience. The sub-editor of *The Times* writes in fairly large type:

"Tory MP denies claims he applied for a grant".

An unnamed, unidentified member of staff at English Heritage had said:

"We have discussed this with the owner"—

untrue—

"there seems to be no resolution at the moment"—

true enough, as there was no discussion—

"I think his inquiries have centred on grants."

Note the use of the word "think".

I weary the House with that only because we do not know how many people that has happened to, and they do not have the immense privilege of being able to rise immediately on the Floor of the House to ventilate their view. However, a member of a Government agency is revealing what should be confidential—although, as it never happened, it is even more preposterous. *The Times* was told:

"I think his inquiries have centred on grants",

which I denied. I have never taken a penny-piece from the public purse for anything and never applied for the grant. However, the article goes on:

"English Heritage confirmed last night that there was no correspondence on file with Mr. Clark about grants."

In other words, the whole thing was pure invention.

The reason I cite that is that, the charge having been made, the sub-editor can enjoy himself and say, "MP denies it." It is totally bogus and totally without substance, but immediately there is a slight taint in the air. That practice is okay, I suppose, for Fleet street editors. It is standard practice by reporters to say things, get people to deny them and then say, just like Lyndon Johnson, that those people have denied this or that charge. Whether that is appropriate for Government agencies is another matter, as the House may agree. However, English Heritage is unrepentant. That or another spokesman went on to say:

"The register is intended to open constructive dialogue"—

not one of my favourite phrases and utterly, as we know, without meaning of any sort—

"but if we don't get it, we'll name the names in next year's edition."

The House may, in passing, ask what is meant by "constructive dialogue".

What are owners of listed buildings meant to do when they have been named and shamed? It appears that they are meant personally to spend enormous sums on repairing the degradation, much of which has occurred over centuries. But at whose behest? In my case, at that of some nameless, faceless officials at English Heritage; I have never seen one, to my recollection. A couple of people came to Saltwood and meandered around about 20 years ago. I like to think that we treated them with courtesy. I have not heard from them since; nor have I been given any indication of what I should be doing to avoid being shamed, never mind named.

The House is being indulgent and treating this matter lightly—perhaps I am not doing the subject justice. There are 1,500 buildings listed in this directory as being at risk. In every case where the building is owned privately, pressure can be put on the owners to take action through legislation passed in this place—by Orders in Council, I believe. If they do not spend what is, in many cases, a virtually unlimited amount, the property can be confiscated. A compulsory purchase order can be issued if the property is held to be in danger.

It is not clear into whose possession the property would then be taken. Would it be taken by English Heritage, the local authority or the state? Would the property then be immediately repaired? Is there an enormous sump of public money with a tap that can be opened to pay for the repair of every building that has been compulsorily purchased? I rather doubt it. We need to know more. Threats have been made in a most pugnacious and menacing way, and we need to know what will happen if we do not engage in "constructive dialogue" within the next 12 months. Big brother will appropriate all the buildings. One could say that if big brother were then to write an endless series of cheques to repair them, a kind of service would be discharged. However, the buildings would be empty, and empty buildings are much harder to maintain than those that are occupied.

English Heritage has got much too big for its boots. Its director is a prominent figure in what is sometimes referred to as café society and he is seen enjoying hospitality in many locations, but what exactly does he want to achieve?

Sir Patrick Cormack (South Staffordshire): He is the chairman.

Mr. Clark: Is there a director?

Sir Patrick Cormack: Yes.

Mr. Forth: They are all apparatchiks.

Mr. Clark: They are all apparatchiks, and I do not doubt that they all have huge expense accounts.

The House may take the view that the conservation officers employed by local authorities could do most of the work themselves using the Heritage Lottery Fund. They have far greater knowledge and easier access to the buildings within their purview. They could do the work more simply and more cheaply.

Mr. John Bercow (Buckingham): I am not at all surprised to hear that my right hon. Friend has not applied for a grant from English Heritage. Does he agree that he is, in a sense, rather fortunate not to have done so? A number of my constituents have complained to me, and I have reported to the Leader of the House, that they have found increasingly commonplace waits of up to six months before English Heritage determines whether their application for grant in aid is successful. Might that conceivably be because an individual member of staff at English Heritage is preoccupied with leaking inaccurate information about the intentions of my right hon. Friend instead of focusing on the responsibilities of his or her office?

Mr. Clark: I do not want to engage in extended research into the motives of the officials at English Heritage. However, I could claim to be bitterly affronted that someone to whom I have in the past extended

hospitality—if it is the same person—and from whom I never heard again should have suddenly decided that I need to be named and shamed. In addition, that official has spread the extraordinary and, in some ways, mildly defamatory falsehood that I applied for a grant when, by his or her own subsequent admission on being questioned by reporters, there is no correspondence about a grant on file, still less an application.

It remains true and very sad that a number of important listed buildings are decaying. I would not feel comfortable taking money from the taxpayer to repair a building that I live in privately. That would not be appropriate. However, the Chancellor of the Exchequer should consider certain points. Hectoring the owners of historic buildings will not improve matters. The majority cannot even afford to do the repairs that they have apparently been asked to do. I have never been asked to do any repairs; I have simply been told that my building is at risk.

The key to preserving old buildings is to keep them in good repair and, where possible or necessary, to find a way for them to earn their keep. Such grants as there were have been cut. I have never had one, as I said. VAT has to be paid at the full rate on repairs, although new buildings are generally VAT free. It cannot be right that if a part of our heritage is at risk, VAT should have to be paid on its repair bills, when that is not the case for a brand new building.

Estate owners are not allowed to offset the cost of repairs to the building against other estate income in assessing their tax. In other words, the building must be an absolutely net liability—it is cum the income tax that has already been paid on the money that will be used to make the necessary repairs. The Finance Bill will end any such relief, so all income from the estate will be taxable and no offset can be made for repairs to any aspect of the building, even if it is listed grade 1 or grade 2.

One does not like to be too party confrontational in holiday Adjournment debates, but this attitude is part and parcel of the distasteful posture adopted by the Government. It is part of the pop culture, cool Britannia ethic that they will live to regret. People are already uneasy with that. This disdain for our heritage is part of a package that has led the Government to have the millennium dome constructed not in marble or granite, so that it could conceivably be a heritage building in future centuries, but in plastic. That is the culture of the image consultant; it is the culture of obsolescence. This is pop culture at its worst—top of the charts one month, bottom of the charts and taking an overdose of narcotics in an Australian lavatory three months later.

That is the culture to which the Government, like it or not, are trying to attach a part of their ethics. It is high time that we rejected that and said that there is a more permanent culture. Theirs is part of the move to modernise—if that is the word—the royal family by dressing the Household Division in fatigues instead of bearskins, even at the birthday parade, by making sure that when the Queen arrives to open Parliament she is wearing a suit, possibly, for all I know, even a shell suit, and by ensuring that she arrives not in a Rolls-Royce, which will not be possible anyway in 10 years, but in a black cab, perhaps. It is part of a deliberate attempt to extinguish our heritage in all its different aspects, a heritage which has illuminated and invigorated our society for so long.

Our heritage is nothing to do with class or with party, but everything to do with the intrinsic nature of what we are as a people. Pop culture is irredeemably opposed to it, and the cool Britannia ethic is distant from it.

I invite the House to consider the matter—the narrow topic—of dealing with heritage buildings, to discover how, consciously or subconsciously—complete with a leaking official in a Government Department, and an attempt to name and shame and to invoke overtones of class division—the matter is part of a total fabric which I believe that the House should reject. I know that many Labour Members would agree with that.

10.29 am

Mr. Mark Todd (South Derbyshire): I should like to express some concerns about management of the reorganisation of magistrates courts by the county magistrates courts committee in my area, and, more generally, about the lack of guidance of that process elsewhere in the country.

On Monday, Derbyshire magistrates courts committee confirmed its proposal to reorganise the magistrates courts in my county through a private finance initiative. Among its proposals was a proposal to close the court in Swadlincote—which is the only court in the 120 square miles of my constituency.

I realise the need to rationalise courts. Some courts are antique and expensive to run, and others are relatively close together. My concerns fall into five categories, several of which relate to the general process of court reorganisation.

The first category concerns access to justice. The original private finance initiative consultation document issued by my magistrates courts committee sought to define the meaning of "local justice"—words that we often hear used in discussions about how we should run our magistrates courts system. The suggested definition was:

> "Magistrates drawn from Petty Sessional Divisions sitting in judgement on cases arising in those divisions using accommodation which is reasonably accessible to Magistrates and Court users."

The phrase "reasonably accessible" in the definition is clearly material, and the committee consequently sought to define it, which it did in the following terms:

> "within 20 miles of the major centres of population that it might serve . . . and accessible by public transport with a travel time of up to 60 minutes . . . and within 15 minutes walk from the nearest public transport node".

In earlier correspondence with the committee's chief executive, I attempted to obtain some definition of a 15-minute walk. I can walk a lot further in 15 minutes than many other people can. No attempt was made further to define that term, however.

What about the 60-minute public transport time criterion? I think that we can reasonably assume that the chief executive of the committee was not a regular bus user: he had certainly not chosen to consult the bus timetable for the South Derbyshire area. My constituency is rural; the town of Swadlincote is essentially a necklace of villages; and getting to the bus station is an exercise in itself. It takes 67 minutes to travel from Swadlincote bus station to Derby bus station, which exceeds the time specified by the committee in its consultation document on the key criteria for the siting of a magistrates court—and the 67 minutes does not include the time it might take to find the magistrates court on leaving the bus station.

[Mr. Mark Todd]

Was the committee swayed when those facts were drawn to its attention? Regrettably not. The committee took the view that its failure to calculate the times correctly was an unfortunate accident. Although I am sure the committee thought that the 60-minute criterion was quite sufficient to provide for the areas affected by the closure, it miscalculated—and there we are.

My second category of concerns is convenience of access to other components of the justice system. Swadlincote magistrates court incorporates facilities for the probation service, which is thus readily able to make its important contribution to the court process. The court premises also provide the probation service with a local base. However, no proposals have been made on the integration into the court process of the critical role played by the service in the area should the court be closed. It seems likely that a visiting service into the area from Derby will be provided, using currently unspecified premises—at greater cost and less convenience both to existing staff and, more critically, to users of the service.

The Swadlincote court is immediately adjacent to the local police station. Currently, the attendance of the police to act as witnesses and—in very rare cases in my constituency—in other capacities, such as dealing with someone who is misbehaving in the court, is efficiently operated, with police being called from the station as needed. The alternative would involve a substantial increase in police travelling and attendance time. My area is already thinly policed, as the Derbyshire police force is one of the least well funded in the country.

The part of my constituency south of the Trent—the bulk of it, geographically—is policed usually by four to five officers and one sergeant. If we are to chew up substantial proportions of police time by requiring them to travel to and from a court in Derby, we will obviously have fewer police available to deal with issues in our community to which they should be attending.

The third category is community identity. The committee made the assumption that Swadlincote was in some sense a suburb of Derby. That is not how the citizens of Swadlincote view themselves. The bus time probably says as much about that as anything because, if people used the service more often, someone would no doubt have found it worth while to run a faster bus. People do not look towards Derby as the main centre for jobs, entertainment or shopping; they use other urban centres in the area, or choose to stay in South Derbyshire. The mistaken view of the community of which Swadlincote is a part does not seem to have concerned the committee—and I think that such views have been more broadly applied elsewhere in the country.

The fourth category is the importance of the convenience of court users. Only a tiny minority of people ever attend court. In a generally very law-abiding community such as South Derbyshire, only a very small number of people ever attend court—which, in some senses, is part of our problem, as the committee has claimed that the court is not used very heavily. We are actually rather proud of that, and do not wish to encourage greater court use because of wrongdoing in our community.

Although only a tiny minority attend court—and then only very rarely, perhaps once or twice in their lifetime—their rights and convenience should not be ignored. The chief executive of the magistrates courts committee was quoted as saying—and chose not to deny in correspondence with me—that criminals should allow in their activities for the cost of transport to a rather more distant magistrates court; perhaps they should thieve a little more to raise the funds for the bus fare to a court in Derby, rather than Swadlincote.

I drew to the chief executive's attention the fact that court users were not merely those rightly or wrongly accused of offences, but witnesses. We already have a problem nationally in persuading people to give up time to attend court as witnesses. I cannot believe that expecting people in my constituency to spend half a day travelling to and from a court in Derby—in addition to attending the court and waiting to be called—will encourage more of them to bear witness in cases.

Others also attend court. Magistrates handle the distribution of licences of various kinds to perfectly law-abiding people running businesses, and those people want to go somewhere locally convenient, rather than some distance away. I do not see why they should be put to that inconvenience either.

My fifth category of concern is the court premises. I could well understand that there might be concern if those were crumbling and decaying, but they are not. They were opened in 1978 and I readily concede that they are not a thing of beauty—they are an example of the architecture of the time. The right hon. Member for Kensington and Chelsea (Mr. Clark) referred to our heritage: I do not think Swadlincote magistrates court will feature in the list in the foreseeable future. I also concede that some routine maintenance would be desirable, but it is nothing serious.

Space is certainly sufficient to allow the separation of witnesses and defendants. One of the key problem areas in cramped, old-fashioned magistrates courts is that witnesses and defendants have to sit together, which can occasionally cause some friction. That is not the case at Swadlincote court. Also, the cells are appropriate for their purpose, although I would not say that they are luxurious. So, there would be appear to be no structural reasons to close the premises.

In addition, the local district council, having identified cost as one of the issues that might concern the magistrates courts committee, has said that it might be able to contribute towards the cost of the building by leasing it from the committee for training activities and so forth, thus supplementing the income drawn from the building.

Clearly, the proposal is ill founded and I very much hope that the paying authorities, Derbyshire county council and Derby city council, will not endorse it when they decide their position. The project will also be expensive—this is not a PFI that will save us a lot of money.

The proposal also raises some general concerns. First, I urge the Lord Chancellor's Department to review the rules under which magistrates courts committees operate. In this case, the committee has invented its own rules and then broken them. I am unhappy about that process in Derbyshire and would be surprised if it were unique in the country. I want the rules under which the committees operate when they consider the reorganisation of court premises to be reconsidered.

Secondly, I want a review of the way in which my magistrates courts committee, having drawn up a PFI document that made specific pledges on public access to the new court premises, has chosen in its proposal to break that promise. The Lord Chancellor's Department should also consider that matter and ask for an explanation from the chief executive of the courts committee as to its behaviour in this matter.

10.42 am

Mr. David Heath (Somerton and Frome): I wish to draw attention to a number of concerns that have been expressed to me by constituents in Somerset, which I know to be matters of concern to a great many people. There is growing discontent—one might almost say resentment—at the emerging discrepancies between the rhetoric of the Government on so many issues and the reality of what is happening in rural counties such as Somerset. As is often the case, the issues are not at the forefront of the political debate in this country, but nevertheless they are important to me and to my constituents.

I would not ascribe particular motives to Somerset electors a year ago, but I well understand their feeling that things had to change markedly. They had certainly lost confidence in the Conservative Government's ability to provide the sort of services and quality of life that they wanted and to which they aspired. The feeling of optimism at a change of Government has quickly been overtaken by a feeling that we have simply had 19 rather than 18 years of Conservative government. That is a shame. I am not ungenerous to the Government, who have done a number of admirable things in their year of office. There are areas in which I would whole-heartedly support them, but I feel I must draw attention to the patchiness of the outcome of their performance.

The first and most pressing reason for my addressing the House this morning is the vexed question of household numbers. That has been a contentious issue, and there have been strong expressions of concern from both sides of the House about the rationale and methodology used to calculate those numbers through structure plans and the degree to which that is putting unwarranted pressure on green-field sites and rural counties such as Somerset. Our debates have largely been constructive and I applauded the change of policy indicated by the Deputy Prime Minister in his statement a couple of months ago.

That statement was widely welcomed in my area. We recognise that we have a major difficulty, with which the county and district councils, as well as local people, have been wrestling for the best part of a year or more. The methodology indicates a level of housing requirement that simply cannot be met in a rural county without vastly expanding villages, extending the fringes of small market towns, eating into the countryside and creating an environment different from that which we have enjoyed historically—in other words, suburbanisation. We do not want that, and for good reason: it is not nimbyism or simply a reluctance to embrace change. We certainly want the houses that are needed for the local community, but we do not see the need to destroy the rural environment simply to accommodate aspirational developments to provide more and more high-cost housing so that people can move into the area, with no benefit to the local economy. That is a proper concern.

We thought that we had made progress. I entered a caveat when the Deputy Prime Minister made his statement, asking how it would change what was happening since a draft structure plan was being discussed and, having considered the matter carefully, the county council had rejected the idea that 50,000 homes was a sustainable level of development in Somerset and cogently argued the changes to the methodology that we believed were required. The council had brought the number down to 44,300, which was still too high to be accommodated within a rural county, but nevertheless was nearer to what people felt was appropriate. That proposal had still to be considered at an examination in public, however, and no change in Government policy had yet happened, despite the declaration of intent by the Deputy Prime Minister. I suggested that one way out of the dilemma would be to freeze the structure plan to enable the Government to put in place the policies that they wanted before they became locked into a forward structure plan that would extend to 2011 and lock in place unacceptable changes in the structure of the county.

Sadly, my plea fell on deaf ears. The examination in public has proceeded and, to our astonishment—I think the astonishment is shared by members of all parties in Somerset and independent observers of the scene—the inspector has not only rejected the view strongly expressed by all representatives of the local community that the 44,300 figure in the structure plan was too high and would have to be changed to accommodate the Government's new policy, but has replaced that figure with a new one of 51,600, which is higher than the number first thought of, and an increase of 16 per cent. How can that be reconciled with the Government's change of policy? What is the point of having debates in this Chamber and of Ministers making statements if the reality on the ground is that unsustainable increase? Whatever their political backgrounds, Members of Parliament who represent Somerset constituencies—and, indeed, members of the local authorities—want to press that point strongly. The argument is not yet over, but I ask the Leader of the House to consider how we can change the course of the policy juggernaut that seems to be out of the Government's control.

The simmering discontent that I mentioned is also felt about education. I believe that the Government have changed the rhetoric on education and have genuinely sought to provide additional resources, although it is a matter of political debate whether those resources have been sufficient or allocated quickly enough. However, the reality in some parts of the country is that there has been no change—teachers are still being laid off and class sizes are still being increased. The patchiness of provision means that, in some areas, it seems as though the Conservative Government have not gone away.

There are technical arguments about why rural counties lose out under the current formulation. We call the iniquitous area cost adjustment the tax on the west, although I suspect that the right hon. Lady regards it as a tax on the north—

Mr. David Kidney (Stafford): And on the midlands.

Mr. Heath: The hon. Gentleman rightly includes the midlands. I see no reason why, simply because of where they live, our children should be funded at a substantially lower level than children in the home counties. We face

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higher costs in rural areas—we have to accommodate the school transport bill, and we have smaller schools, whose unit costs are high, because there is no easy access to centres of population. We accept all that, but we want a fair deal from the Government—we want the Government to recognise the fact that the local authorities are having to spend vastly in excess of the standard spending assessment because of the additional costs. We do not want our local authorities to be capped, and we do not want to be told that we are receiving more money when we are not and when schools are still losing ground.

Agriculture is facing the greatest recession that I can remember. In the south-west, the incomes of dairy farmers have fallen by 35 per cent., and those of sheep and beef enterprises have fallen by 65 per cent.—that is a colossal drop. Again, I do not lay all that at the Government's door, but the Government should respond positively. The Minister of Agriculture, Fisheries and Food does his cause no good by failing to turn up, for the second year running, to the Royal Bath and West show, where he would have been able to talk directly to west country farmers about their plight.

Mr. Todd: The hon. Gentleman says that my right hon. Friend the Minister of Agriculture, Fisheries and Food should respond more positively. Will he give an insight into what that actually means?

Mr. Heath: I should happily do so at length. We are debating the common agricultural policy tomorrow, when some of the issues can be discussed, but I am particularly concerned about agrimonetary revaluation—I first mentioned the subject in the House last July, I think. There is a serious problem with the green pound. I accept that the Government have moved some way on upland farmers, but they seem to reject the idea that there is any difficulty in the lowlands. The small farmers on the Somerset levels are not rich—they have smallholdings and are struggling to make ends meet with relatively few cattle—yet they are not included in the schemes because they happen not to live high enough above sea level. There is no logic in that. The Government seem to think that the lowlands can look after themselves, but I am saying that they cannot—people in those areas face real difficulties.

I make a small plea—I would have it made on Monday evening, but, unfortunately, I was representing the House elsewhere—about the Somerset and Cornwall Light Infantry. I know that, in the lead-up to the strategic defence review, all hon. Members will want to mention the territorial regiments in their constituencies—it is a commonplace—but I make no apologies for doing so. The Somerset and Cornwall Light Infantry was formed by the amalgamation of two proud regiments, the Duke of Cornwall's Light Infantry and the Somerset Light Infantry, which goes back to the stormy days of 1685, with which hon. Members who know their history will be familiar. It is the only Army presence in the county, and I believe that it does an extraordinarily good job.

It would be a great shame if the Army were not represented at all in Somerset. I do not believe that that will happen, but the Government should recognise the role of the Territorial Army and its associations with the counties. The process of reduction and amalgamation has gone far enough; if it continues, we shall lose something that has been of great value to the country for many years and has served us well. I do not dispute that the role of the TA may need to change, but that role should be strengthened in the local community. The reserve forces make an important contribution to the regular forces in times both of war and of civil emergency.

I believe that some of the changes after a year of the Labour Government have been wholly beneficial, but there is still much more to be done. The funding of services in rural areas is inadequate not only to meet people's aspirations but to meet their needs. I ask the right hon. Lady and her colleagues to ensure that distribution across the country is as fair as the Government's rhetoric would have us believe.

10.57 am

Mr. David Kidney (Stafford): I have listened with interest to this morning's speeches on the built environment, but I want to return to the theme of youth, echoing the sentiments of the hon. Member for Southend, West (Mr. Amess), who is no longer in the Chamber, about how we should invest more in the youth of today, as they will be the active citizens of tomorrow. I want to focus on those tens of thousands of children who are looked after by local authorities under care orders. In particular, I shall refer to an event in Stafford over Easter that gives some grounds for optimism about the future care of those children.

Some children are in local authority care for short periods and then return to their families. Others, regrettably, are looked after for many years. When they reach the age of 18 and adulthood, they must leave local authority care. As statistics show, many children are 16 or 17 when local authorities make arrangements for them to move on and to look after themselves. As policy makers, we need to pay more attention to that group. I sometimes fear that society does not feel the urgency of the need to save those people, who are peculiarly vulnerable to homelessness and joblessness, and to becoming victims of crime, drugs and prostitution.

At Easter, I convened and hosted a conference at Stafford college on that very subject. I warmly thank my guest presenters, people of national reputation, who attended to share the benefit of their experience for no remuneration other than their expenses, which was marvellous. They were Martin Ayres, a consultant to the Department of Health, James Cathcart of the National Childrens Bureau, Peter Hardman of First Key, and Janet Manders of the National Foster Care Association.

Every possible local agency was represented that day, from the statutory agencies such as social services, to all the health and education services and right through to the voluntary sector. Some of those present told marvellous stories of the excellent services that they already provide for children and adolescents, but one of the worrying features of the day was that some had not met others and did not know of the marvellous services that they provided. The picture was of fractured rather than complementary services.

One example given by a presenter showed how badly things can go wrong. A social worker told us of a boy who, in the 1990s, was coming to the end of his time in local authority care and was placed with a landlady. They got on well, for once he had a secure home, and he

developed well. His 18th birthday came and went with no official recognition, except for the significant fact that the money stopped arriving. Neither of them understood at first why that was.

By chance, the landlady met the social worker at the market several weeks later. The landlady mentioned that the money had not arrived and the social worker explained that it had stopped because the boy was 18. The landlady rushed home to tell the boy—now a young man—that he should apply to social security for benefit. There was a delay, and she got so fed up waiting for the money that she evicted him. The next time she and the social worker met at the market, neither of them knew where he had got to. That is how things can go wrong.

The situation has improved in Staffordshire, but there are still problems. Under the Children Acts, local authorities can give help to people leaving care beyond the age of 18, but that is discretionary rather than mandatory, so they can wash their hands of young people at 18, either because they do not consider them important or because their funds are so stretched that they consider it better to spend the money elsewhere. More needs to be done nationally.

It is a good start if everyone collects information and makes plans on a common basis, and the Department of Health is trying to ensure that authorities collect the same information and plan in the same way. I am told that nine out of 10 English social services departments now follow the same planning processes and keep the same records. Part of those records consists of the individual care plan for each child under local authority care.

The best care plans should be co-produced with the young people themselves; involve other family members, if possible; try to take account of wider community ties; involve other agencies, such as housing and training providers; be positive about education and health outcomes, which are often overlooked; and, most important, plan for continuity of care, including the leaving of the looked-after system.

The conference at Stafford was very positive and told of collaboration between social services and housing associations to provide suitable housing and training opportunities for care leavers. Employment and careers representatives explained that they were willing to come out of their offices and visit the young people, rather than sitting back and waiting for them to come to the offices.

A good idea arose from the day, and I am taking it up with the Minister for Employment, Welfare to Work and Equal Opportunities: if the new deal could be extended to 16 and 17-year-old care leavers—a small number of people, and a marginal additional cost to the new deal—it would be a terrific boost for their support networks.

The conference was not a one-day wonder: the participants agreed to meet again to plan the co-ordination of their services and make them complementary, not fractured. New partnerships were formed before our eyes to maximise the support that can be given to young people. I am pursuing the idea of creating a Staffordshire forum where young people can meet and give their input to the planning of their future care.

Such young people are tremendously disadvantaged. They can help themselves, but they need our help to overcome some unusually large obstacles. Will hon. Members share my zeal and help those people urgently?

11.5 am

Mr. Paul Tyler (North Cornwall): The issue about which I want to speak is of national importance, but I am concerned with its parochial, or county, significance. In Cornwall, we have three core industries: agriculture, tourism and the extractive industries. I want to deal with them in reverse order.

Everyone in Cornwall is very sad at the loss of the last working tin mine in Europe. It has gone because of the artificial level of the pound. It has had insufficient investment in the past, but the crucial issue for the industry is the exchange rate.

The holiday industry is equally badly affected by the current exchange rate. I understand that the pound is now quite a bit lower than DM3, but recently it has been as high as DM3.1. Set against DM2.2 just a few years ago, that shows the extent to which the situation is causing difficulties. It is not only manufacturing industry that gets clobbered by the artificial valuation of the pound.

Mr. John Wilkinson (Ruislip-Northwood): The hon. Gentleman's argument is extremely important. How does he judge the level of the pound to be artificial? In a free market, do not foreign countries and those who purchase our currency place a value on it that is a function of the competitiveness of British industry and the strength of the British economy?

Mr. Tyler: In that sense, the valuation put on any currency is always artificial; but stability is critical. If the sentiment is such that a currency continually goes up and down and causes huge problems to industry, the Government must deal with that artificiality. If the hon. Gentleman were to advance his argument over a longer period and in relation to some of our major industries, many in his party would disagree fundamentally.

Agriculture is perhaps the most obvious victim of the situation. Farm incomes suffered an appalling collapse in 1997. Most of the reasons for that collapse arose from the policies of the previous Government, but the cumulative effect is such that the present Government must take a long, hard look at what is happening. In 1997, there was a 47 per cent. drop in real incomes on our farms, according to the National Farmers Union. All authorities, inside and outside government, expect 1998 output prices to be well below 1997 prices.

Everyone acknowledges that the core issue is not BSE or the peripheral problems that may be addressed by tomorrow's debate: it is the strength of sterling. Despite a slight weakening in recent weeks, the pound has risen by 33 per cent. against the mark and by 30 per cent. against the franc since the beginning of 1996. The drop in farm incomes is having a huge cumulative effect on investment, not only in farming, but in supply. The prosperity of large swathes of rural Britain is threatened; that is symbolised by a 43 per cent. drop in new tractor purchases, following a 1997 figure already lower than that of 1996. No industry can afford that sort of haemorrhage over a long period. Most commodity prices have shown significant year-on-year falls. Milk prices have fallen from 22.5p a litre to 18.2p a litre, a problem that will not be speedily addressed.

The level of the pound is damaging in several areas. Agriculture is unusual, however, in that the Government have methods to hand to address some of the impact. The

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green rate, which affects direct payments to farmers as well as impacting on market prices, can be devastating, as is recognised in the mechanisms available to the Governments of European Union member states, and which several states have used to address the problem.

A difficult situation has arisen because an already uneven playing field is being made even more uneven. Countries that suffer valuation problems similar to ours have taken measures to mitigate the resulting difficulties, but the United Kingdom Government have done comparatively little. Over the next few weeks, more difficulties will arise. The increase in the pound's value during the first half of the year was large enough to trigger a 2.7 per cent. green rate revaluation on 3 May. Unless the pound falls significantly before 1 July, area payments to arable farmers will fall sharply from last year's level, which was not in any case encouraging. For example, payments per hectare for cereal will drop by £15.50 in England.

There have been several recent revaluations of the green pound under EU legislation, so our Government are permitted to pay temporary and degressive compensation to farmers. All other member states that were in the same position have done so, at least up to the extent of their EU contribution. The UK Government have so far applied for only £85 million as part of the December livestock aid package. However, they could have applied over the past 18 months for virtually £1 billion.

Hon. Members who represent rural constituencies appreciate that it is not easy for the Government to obtain such large sums, which have implications for the Exchequer. However, the continuing refusal to add to the aid paid to beef and sheep farmers in December 1997 is causing hardship to tens of thousands of farmers and their families all over the country, and to many ancillary industries. My hon. Friend the Member for Somerton and Frome (Mr. Heath) referred to farmers in that category in Somerset, and it is also true of Cornwall.

Even if aid were paid in full, it would go only some way towards addressing the substantial fall in farm incomes. Again, I stress that, by allowing the problem to continue, not only the Government, but their predecessors, have built up a huge backlog that will be difficult to deal with. Even if the full sums were made available, they would not completely offset the loss that the industry has suffered, although they might provide a softer landing.

Some of the sum can no longer be paid, because EU approval must be sought within a year of revaluation. If the previous Government had taken the initiatives open to them, we might be in a better position, but the present Government could obtain about £424 million—half from the EU, and half from their own resources.

The Government's decision not to join economic and monetary union from its inception on 1 January 1999 will mean a continuing need for agrimonetary arrangements. More importantly, the freeze on the green rates of the UK and other countries, as applied to direct payments, will cease from that date. Unless steps are taken to offset change, British farmers' receipts will reduce by a further £165 million in 1999, and by £235 million in 2000. In view of likely developments in market receipts and costs, that will be a further severe blow to rural Britain.

The beef sector faces specific problems after two desperately difficult years since the fateful announcement by the previous Government on bovine spongiform encephalopathy and Creutzfeldt-Jakob disease. There has been a welcome and sustained recovery in the home market, but beef farmers are suffering a double squeeze because of increased imports. Perhaps not all hon. Members appreciate that the strong pound is a major problem—not only does it affect how farmers obtain their income; it subsidises beef imports. Our inability to export makes that a double whammy. The strength of sterling has made the UK an attractive market for beef from other EU countries, just when our producers are handicapped by the additional costs of our having the safest beef in the world because we have the greatest safeguards.

I return briefly to the holiday industry, which is of equal importance to Cornwall. Over the next few weeks, would-be holidaymakers from Berwick, Brecon or Bermondsey will compare the prices of holidays offered in brochures for Cornwall and the Costa del Sol. They will find a huge disadvantage in staying in the UK because of the way in which sterling has moved. Worse still, the Germans, the Dutch or the French who consider coming to Cornwall this summer will reach the same conclusion, and they will also find it difficult to ignore the discrepancy between value added tax rates. We shall receive fewer visitors from the continent this summer than we should because of the strength of sterling, and the VAT position will make that worse. Meanwhile, UK holidaymakers will be more attracted than ever to the continent.

Cornwall has three great industries, and each of them is disabled by the artificial value of sterling. I hope that the Government will address that matter. The wringing of hands that we have had from those on the Treasury Front Bench has not given much encouragement. Along with all hon. Members who represent great manufacturing industries, I ask the Leader of the House and her colleagues to consider the impact of the strength of sterling on the extractive industry, the holiday industry and, above all, agriculture.

11.18 am

Mr. Bob Blizzard (Waveney): I am grateful for the opportunity to raise a subject of enormous national importance and of special relevance to my constituency. I refer to the review of the fiscal regime that is applied to our offshore oil and gas industry, which is being carried out by the Government. I am not a taxation expert and I do not intend to take the House this morning through a mass of complex financial data, which the Treasury is no doubt evaluating.

My purpose is, first, to draw attention to the wider repercussions for the United Kingdom of applying significantly higher taxes to our oil and gas industry. It is essential that the Treasury does not simply take a narrow fiscal view. My second purpose is to explain that the industry no longer offers the easy pickings for the Treasury that many long thought there would be.

The review has been delayed. The Government announced early on that they would review the industry. Many people felt that some proposals would be announced in the last Budget, but the review is taking a long time. I hope that that signals a recognition that this is a complex issue and that the industry is not a simple

cash cow. However, the delay is creating some drawn-out uncertainty for the industry that is not good, especially as the latest round of applications for licences to explore parts of the sea around our shores is taking place. Companies are having to bid almost blind. To that, we have to add the current moratorium on gas-fired power stations. I understand why that has come about. We have to consider the coalfield communities and the future of coal, but I remind the House that there are what might be termed oil and gas communities, too.

First, let me talk about the importance of the oil and gas industry to our country. It may be true that only 31,000 people are directly employed by oil companies, but 350,000 people are employed in the industry if one includes all the contractors and suppliers and many small and medium enterprises, right down to the tiny family firms that are involved in the business.

Shell alone is investing about £2.5 billion a year in the industry. We hear from time to time of £200 million, £300 million and £400 million investments by Japanese corporations and we rightly get excited about them, but let us put that beside the enormous annual investment by the oil companies. Three quarters of the investment is spent in the United Kingdom, benefiting the country. The oil and gas industry represents about 20 per cent. of national industrial investment. We are dealing with something big. So it is clear that the review requires extreme care. We must be careful not to damage the industry.

It is probably fair to say that the review is being driven by three commonly held views. The first is that big companies can afford to pay more tax. The second is that they were let off lightly by the previous Government, especially in the Thatcher years, and that an opportunity was missed for the nation to reap the fruits of our national resource. The third and most important is that the current fiscal regime is the most benign tax regime applied to the oil and gas industry in the world. I shall deal with those three in reverse.

It is true that the tax regime is the most benign in the world, but North sea oil and gas is also the most expensive to explore and produce in the world. We have deep water, deep drilling and hostile weather and sea conditions. It is also important to say that new higher taxes will not be retrospective but will apply only to new extraction. If ever there was a treasure boat, the previous Government missed it. I do not want to get into that argument; the important point is that the industry is now different from the one of the heady days of the past. The oil and gas industry around our shores is now at a mature stage. There are no great numbers of big fields to come on stream. What is happening is the mopping up of relatively small puddles of oil and gas.

Mr. Deputy Speaker (Mr. Michael Lord): Order. I wonder whether the hon. Gentleman would like to move a few feet along the Bench. Apparently, the microphone into which he is speaking is not working and people cannot hear him.

Mr. Blizzard: Thank you, Mr. Deputy Speaker. I have never known anyone to suffer that before.

Oil and gas extraction in the North sea is continuing because we have developed new technologies that give access to those reserves of oil and gas that it was previously thought impossible to obtain economically. That is being done on the back of the existing infrastructure. The areas now being explored to the west of Shetland are extremely difficult to access. The conditions are very adverse.

As we approach the 30th anniversary of the industry, it is worth remembering that, 10 years ago, it was thought that, by now, the industry would be packing up and leaving. The fact that it is not is due to the benign tax regime that we have been discussing. If the industry were pulling out now, we would be leaving behind valuable natural resources. We would be wasting a finite resource. We would be leaving behind most of those 350,000 jobs. So taking out from the earth what was previously thought uneconomic to extract is good eco-management. That would not have happened if we had had a much harsher tax regime.

As things stand, we have a bright future. We can look to 30 more years of the industry and of high value to our national economy. That is good news for constituencies such as mine, but it can be achieved only as long as we do not jeopardise it by introducing a new fiscal regime that could have the effect of shortening that period and bringing forward the time when the oil companies pack their bags and move on.

The present level of tax has encouraged the extension of the life of the industry. The Exxon Corporation, through Esso, in its worldwide operation has invested a disproportionately high amount of its capital in the United Kingdom, matching that of Shell, with which it is a partner in exploration. That has been good for the United Kingdom.

As for the view that the large companies are easy targets and big international organisations, increased taxes would not hit those companies. They could simply change their investment pattern. There are plenty of other places in the world where they could go and find oil and gas. The people who would be hit are British contractors, and that means British jobs and companies large and small such as those in my constituency.

The British contractors in the oil and gas business have been a huge success story. What was once thought unextractable is now in production. That is as a result of the development of new technology such as floating production and storage vessels, innovative drilling, remote control drilling and advances in health and safety and environmental issues. Our contractors have become leaders in the world. They have had to be in response to the difficult conditions to be found in the North sea. Their expertise, skill and technology are now being exported all over the world. British companies are winning contracts all over the world. There are jobs for British people all over the world. There is a great opportunity to continue that for up to 30 years to come as long as we do not have a fiscal regime that discourages it.

I said that the subject was of special relevance to my constituency. The mainstay of the local economy of Lowestoft, my main town, is the oil and gas industry. We have lost our traditional industries. We all know what has happened to fishing. Where once we had dozens and dozens of trawlers and hundreds of small boats, we are now down to no more than 10 trawlers and a few dozen small boats. Lowestoft once had two shipyards. Brooke Marine was a famous one. The last famous vessel built there was Richard Branson's Virgin Atlantic craft. We

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had two canning factories—one called the Co-Op, with its brand name of "Waveney", the river which gives the name to my constituency. We had Eastern Coachworks, which used to build Leyland coaches. That has closed. We had Bally shoes. That has closed. Our only gain has been the oil and gas industry, which has been a saviour locally.

We have the headquarters of Shell's southern fields operation, which provides high-quality white-collar and high-tech work and is one of only two high-volume sources of such employment in my constituency. We have Odebrecht SLP, a fabrication company: people who come to Lowestoft ask what the blocks of flats being built in the harbour are and the answer is that they are accommodation modules for oil platforms. The benefit of that industry is that it has taken up some of the skills that were previously used in the shipyards. We have a company called KYE, which is a real local success story, having grown from being a family business into a company employing hundreds of people. It provides all sorts of services to the oil and gas industry and now exports its products and people all over the world. All those businesses are highly competitive, but we also have a college of further education that is submitting a bid to become an information technology centre of excellence, to provide high-tech training in the oil and gas industry. That is an exciting prospect and a successful bid would be good news for our town.

However, all those opportunities have not replaced all the jobs that were lost and we still have an unemployment rate of about 9 per cent. We look to the new Government to regenerate our area, especially through the regional development agency. We shall, in due course, apply for assisted area status and European funds. Since my election, I have pressed for improved roads to help increase the competitiveness of local industries. All that is a difficult task but we must not put at risk what we already have. Across the country, there are towns that, like Lowestoft, have little else but the oil and gas industry and, without that industry, the Government would face problems such as increased benefits payments to add to the already high bill. I hope that the Treasury will take the big picture into account when it makes its tax calculations.

It is not only my constituency that has this interest. A map has been drawn up showing all the constituencies colour coded according to employment levels in oil and gas. The black constituencies are those with more than 5,000 employees and the red are those with more than 1,000 jobs in the industry. The map has a lot of red, some black and a lot of orange, for areas with more than 500 jobs; there is not as much red as on the political map of the country, but the map shows that the industry spreads across hundreds of constituencies and throughout the country.

Nationally, the Government are committed to stimulating and supporting businesses and encouraging growth and investment. They have cut corporation tax and are reforming capital gains tax and the Department of Trade and Industry is setting up the export forum. All that effort to support business must not be undermined by damaging one of our major industries. If the Government get the tax review right, we shall have an industry with a 30-year future and there are few industries that can make that claim in the global economy of today. The Government must get it right. We have an opportunity to lead the world in the development and export of new technology, but that process needs the right fiscal climate in which to thrive.

11.32 am

Mr. Eric Forth (Bromley and Chislehurst): My request of the Leader of the House is that she considers urgently referendums and the way in which they have become part of our political process. I am increasingly worried by the frequency with which the Government resort to referendums and by the lack of thought that has gone into the way in which referendums are used as part of our political process.

We have all become used to the process: the Government have an idea about change of some sort, usually constitutional change; public opinion is softened up, although details may or may not be provided as to the nature of the changes to be made; the question is put and an announcement is made of overwhelming support for whatever was proposed. That announcement is made regardless of the turnout achieved or the size of the majority achieved among those who did bother to vote—a widely varying pattern has emerged in that respect. My question, which urgently requires an answer, is whether that is a legitimate or valid political process. The answer depends on several key factors, none of which has yet been satisfactorily addressed. My contention is that the Government, who have resorted so frequently to the mechanism of the referendum, have not given serious thought to the way in which that political device is used or to its potential effects.

We all know how crucial is the question. The outcome of a referendum depends to a large extent on the question put, and the most recent example is that of the London referendum. There was much debate about whether there should be two questions—"Should we have a mayor?" and "Should we have an executive body or assembly?"—but the Government cleverly decided to put those two separate questions together in a single question. Many of us argued that that was the wrong approach, which invalidated the process because the proposal involved two quite separate new political entities for London, but the Government insisted that only one question be asked. They got a yes answer on an extremely low turnout, despite the fact that little detail was given of what sort of powers were to be exercised or the relationship between mayor, assembly and boroughs.

That problem became even more obvious in the Scottish and Welsh referendums. The only question put to the people of Scotland was, "Do you want a new Parliament?" but no reference was made, except in the broadest terms, to the relationship that might exist between that Parliament and any other constitutional body. Crucially, the people of Scotland were not asked, "Are you content with a one-chamber Parliament? If you are to have a separate legislature for Scotland, would you not prefer to have the constitutional and legislative security of a two-chamber mechanism, whereby there would be a safety mechanism available?" In the Welsh referendum, the people of Wales were not asked, "Do you want a strong Parliament of the sort proposed for Scotland, or are you content to have a much weaker body, which looks like a gesture assembly?" My point is that the question asked is always crucial and that, more often than not, the really important questions are not asked at all. They are assumed or subsumed into a single question,

so that the people are not given the opportunity properly to consider the issues put before them or what other options might be available.

The next consideration is the vexed one of thresholds. Do we believe that any referendum on constitutional change in our country will legitimise that change by a simple majority of yes votes, regardless of the number of people who choose to turn out and vote? Is abstention to be seen as a positive political statement or as an expression of indifference? The classic example is the London referendum, in which only one in three Londoners bothered to vote. I should have thought that that turnout was in itself a statement of the indifference of two out of three Londoners to the question being put, yet the result was hailed by the Government as an overwhelming triumph and an endorsement for their proposals to change the whole basis of London government for some time to come.

Even more important is a question that might surprise some hon. Members: who should be asked? That might appear to be self-evident, but I resent the fact that the people of England were never asked for their views on matters relating to Scotland or Wales. Questions crucial to the future of the United Kingdom were asked, yet the vast majority of the population and the electorate of the United Kingdom has not, to date, been asked for its view on the issue of giving greater powers to a Scottish Parliament or to a Welsh assembly. The English people will be affected and are to be the paymasters for the whole process, but they have not been asked whether they want the process to continue, or whether they are prepared to continue to pay for it.

That argument even applies to the London referendum. London residents were asked, but the millions of people who travel to London, who work in London and who sustain London in many ways were not given an opportunity to express their views, even though their way of life might be seriously affected by the decisions taken by a London mayor and assembly. The answer to the question of who should be asked has not been properly thought through.

The timing of the question is always crucial. We should consider whether it should be entirely at the discretion of the Government of the day, as the timing of the referendum usually has a distinct bearing—or at least an influence—on its outcome.

One could draw many conclusions from all this. My preferred conclusion is that we should never use referendums; I doubt that they are a proper, valid or legitimate way in which to settle complex questions. For those who argue in favour of them, I shall review the deal that I make on such occasions and say, "I might be persuaded if you would grant me a referendum on the restoration of capital punishment—a subject that has long been close to my heart." If we are all agreed that referendums are to be a key mechanism of political decision making, why not hold one on that subject? Even that would raise the questions that I have mentioned. The choice of question would be crucial—a matter of life and death in some cases.

A question also arises about the irreversibility of referendums. Once a matter has been determined by that, in my opinion, dubious political mechanism, should there be a minimum period before the question may again be put? When will we be allowed to ask the people of Scotland—and, I hope, in future, England—whether they believe that it was a good idea to have a separate assembly, a completely new bunch of politicians, more levels of bureaucracy, more expense, salaries, offices and so on? When will they be asked again whether that was really what they wanted? Supposing, as a result of a referendum, capital punishment were restored—as I suspect would be the case were the question to be asked—when could we revisit the issue and ask again whether people wanted that?

The political mechanism of the referendum gives rise to so many questions—the way in which it is used, the timing, the content of the questions, even who is entitled to vote—that obviously no thought can have been given to those questions by the Government, as they have decided to resort to the mechanism so frequently to legitimise, or seek to legitimise, their policy proposals.

This is an issue of increasing urgency. The mechanism must be considered seriously, here in the House of Commons, in our Parliament—the only proper vehicle for such consideration. I hope that, very soon—preferably before the Adjournment, but I hold out little of that—the Leader of the House will provide an opportunity for the matter to be properly considered by the House of Commons, before we contemplate using the mechanism again.

11.41 am

Mr. Martin Salter (Reading, West): I welcome the opportunity to participate in this extended Adjournment debate. Whatever modernisation of the House of Commons takes place, I hope that this institution will remain because it is valued, especially by new Members who have discovered the opportunity that it provides.

My short contribution, like that of my hon. Friend the Member for Stafford (Mr. Kidney), concerns child care, and especially the need to regulate people who work with children in individual private homes—nannies, an awful expression, but one that we are stuck with.

Last week, I had the pleasure of holding a parliamentary reception for representatives from the Playpen campaign. I thank hon. Members who supported that reception, and especially hon. Members who supported early-day motion 1262, which is sponsored by me and the hon. Member for Taunton (Jackie Ballard), in a display of cross-party unity on this issue.

The Playpen campaign was set up last year, in the wake of Louise Woodward's arrest in the United States, when it was recognised that there was an urgent need for Government intervention to protect children, parents and nannies from unscrupulous practices and unsuitable people in the child care profession. Playpen campaigns for the setting up of a non-profit-making, independent national nanny register to check credentials, exclude or deter unsuitable people and protect children from abuse and bad practice. It argues that there should be a requirement to register, which should be a condition of employment, and that the registration process should include checks on an applicant's identity, academic career and qualifications, work career, character and criminal record.

It is incredible that this loophole in the law remains, and was not plugged by the Children Act 1989. Playgroups, nurseries and child minders are registered by the relevant local authority, by the social services

[Mr. Martin Salter]

department and so on, but there is no requirement for regulatory controls or registration of people who work in the home of the child's parents. That anomaly must be addressed. There is not even a requirement for nannies, or potential employees who are on a nanny register, to hold a first aid certificate, never mind a professional certificate of qualification.

A recent television documentary highlighted some of the potential abuses in the profession. It showed allegedly reputable nanny agencies sending people into parents' homes without checks and with references that had not been taken up. A pornographer, heroin addict or thief could obtain employment through a nanny agency, and gain the trust of parents and the ability to look after their most precious charges, with absolutely no control, making possible tragedies such as those that occurred in the Louise Sullivan and Louise Woodward cases. That unacceptable situation needs to be resolved before further tragedies occur. We want no more Louise Woodwards or Louise Sullivans.

Playpen has representatives from several reputable organisations, including the Professional Association of Nursery Nurses, based in Derby, and the Chiltern college for nursery nursing in Reading, in my constituency, and from respected child care trainers. I pay tribute to a founder member of Playpen, Cheryl Winton, a wonderful lady whose daughter, Jemma, was brain-damaged by abuse in her own home by an unqualified nanny. Cheryl is determined to ensure that other parents do not go through the private hell that she went through, and I suggest that we have a duty and a responsibility to plug that loophole.

How did we get where we are today? I do not believe that any hon. Member would argue that this situation is tenable and that the loophole does not need to be plugged. As usual, we have to look to the activities of the previous Government, especially the former Under-Secretary of State for Corporate Affairs, one Neil Hamilton, who piloted through the Deregulation and Contracting Out Act 1994.

I do not believe that the previous Conservative Government set out to deregulate nanny registers. Having studied the record, I am also aware that the Opposition failed to spot the consequences of the 1994 Act. Labour Members made representations in Parliament concerning models, actors, musicians, seafarers and agricultural labourers, but we all missed the consequences of de-licensing—deregulating—employment agencies. Now anyone could set up a nanny register and provide people to work in the privacy of people's homes, with their children.

I am thankful that the climate is changing. I welcome the publication of the Green Paper, "Meeting the Childcare Challenge", and I welcome the fact that the campaign has cross-party support. I also welcome the fact that the Secretary of State for Social Security is prepared to meet a delegation from Playpen and that the Green Paper mentions the issue of regulation for all persons involved in child care.

Thank you, Mr. Deputy Speaker, for the opportunity to draw attention to this important issue. I look forward to a response from the Leader of the House and I hope that, as soon as possible, legislation will be introduced, building on the Green Paper.

11.47 am

Mr. John Wilkinson (Ruislip-Northwood): I urge the Leader of the House not to let the House adjourn for the Whitsun recess until her right hon. Friend the Chancellor of the Exchequer has made a statement in the House on why Her Majesty's Government did nothing to stop the European Union abolishing the sale of duty-free goods to travellers within the European Union from 1 June 1999. The right hon. Lady knows that we had a full debate on the subject on 6 May, and that there was unanimity in the House on the belief that the measure would be highly damaging to jobs in the United Kingdom—jobs in airlines, at airports, in ferry companies and at sea ports. Nevertheless, Her Majesty's Government proceeded to do nothing to prevent the abolition and the damage which would ensue.

The Government take great pride in their power and influence as holders of the presidency of the EU. At the Economic and Finance Council we saw exactly what that meant—that Her Majesty's Government would connive with EU initiatives and do nothing to protect Britain's interests. It is not as if the UK presidency did not have potential allies at yesterday's Council. There was strong pressure from Germany and Ireland to initiate a study on the effect of the abolition of duty-free shopping for travellers within the EU, and support also from France, Spain and Greece, yet the Economic Secretary sat on her hands and did nothing.

At least the Economic Secretary was following the Prime Minister's lead. In a written answer to a question from my hon. Friend the Member for North Thanet (Mr. Gale) yesterday, he put the Government's position clearly. The question was:

"To ask the Prime Minister, pursuant to his answer of 18 December 1997 . . . on duty-free shopping, what estimate he has made of the potential number of job losses that will arise from the ending of the trade in duty-free goods; whether, during the UK presidency, the Commission carried out the proposed survey; and if he will make a statement."

The Prime Minister replied:

"The Department of Transport, Environment and the Regions has undertaken a study into the effect on the transport sector of the abolition of intra-EU duty and tax free sales in 1999. During the UK presidency, the Commission has not undertaken a survey of the potential number of job losses that may arise from the abolition of duty and tax free sales within the EU. The position of the United Kingdom remains that it would not oppose a study should there be a consensus amongst member states in favour of such a study."—[*Official Report*, 19 May 1998; Vol. 312, c. *315*.]

It is noteworthy that the Department of the Environment, Transport and the Regions has carried out this study, but we have not been made privy to its contents—indeed, the House was not informed of its contents in the debate on 6 May, as it should have been. At the very least, the Chancellor should come to the House and say that a copy of the study will be put in the Library of the House. Furthermore, under their much-vaunted EU presidency, the Government have done nothing to advance a study by the Commission into the effect of the abolition of duty-free sales.

The Chancellor of the Exchequer has the gall to shed crocodile tears. *The Daily Telegraph* today states:

"Gordon Brown, the Chancellor and president of the finance council, surprised many when he voiced regret that his colleagues had not given their backing to its study.

In a belated"—

one can say that—

"public conversion to the cause he said: 'I would have preferred a further study of the successor regime and the effect of abolition. I don't like the decision we have made today.'"

In other words, the Government cannot lead and cannot exert any influence in Europe. The employment of my constituents who work at Heathrow in the duty-free shops and in the airlines, of which there are many, and their counterparts throughout Britain will suffer as a consequence of the Government's inertia and inactivity as they connive at the EU's job loss creation schemes. Fascinatingly, the EU Commission hailed yesterday's decision as a great success—a great success in doing away with people's jobs and in damaging the profitability of British enterprises, and other enterprises within the EU.

We are told, if the article in *The Daily Telegraph* is right, that the Commission does not believe that the sale of duty-free goods is compatible with the single market. Duty-free sales exist for travellers within the Mercosur countries in South America, the North American Free Trade Agreement countries and the ASEAN countries in south-east Asia. The Commission wants to abolish them because it wishes to do away with fiscal differentiation—in other words, the power of nation states to set their own tax rates. It wants the EU to behave as if it is already a single fiscal entity—in other words, a single state.

The European Commission says that it will now report on aid programmes that might be available to help areas adversely affected by the abolition of duty free. It seems that, at the Commission's behest, our taxpayers, who may in some instances have lost their jobs because of the abolition of duty-free shopping, will now, through their purses—through their EU contributions—have to provide a subsidy, or a subvention, to areas where jobs have been lost because of the abolition.

That is a classic little vignette. It is a perfect example of how Britain is seeing more and more power going to the EU, how our Parliament is impotent, how even unanimity in the House is ignored by the Government, who kowtow to the EU, and how excellent early-day motions, such as that tabled by my hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond)—early-day motion 1339 on the timing of the abolition of duty-free shopping, which he and I and nine other hon. Members have signed—are ignored. I hope that the Chancellor will come to the House and explain himself.

11.55 am

Mr. Fabian Hamilton (Leeds, North-East): Thank you, Mr. Deputy Speaker, for allowing me the opportunity to raise an issue of national, regional and local importance; it is certainly of great importance to my constituency. The issue to which I refer is the establishment of a new voluntary-aided high school in Leeds, a Jewish high school, for which many of my constituents have been pressing for a number of years.

The campaign started four years ago, when leading members of the Jewish community, a community which represents the third largest concentration of Jewish people in the United Kingdom, tried to establish, through the local education authority, a Jewish high school.

Previously, Leeds had a Jewish voluntary-aided primary school, Brodetsky primary school, and a Jewish voluntary-aided middle school, Morris Silman middle school. In 1992, the schools in Leeds were reorganised to do away with the middle school tier. At that time, the LEA applied on behalf of the Jewish community to the Secretary of State for Education and Science—then, I believe, Kenneth Clarke—to establish a Jewish voluntary-aided high school. Unfortunately, that application was turned down.

Since then, the community has set up a charitable trust and has struggled hard to establish that school. In my brief tenure of the office of chairman of the education committee, I tried to further that cause by commissioning a study from Leeds university into the viability of such a high school. That report was published after my election to the House and, unfortunately, my successor did not feel that it made a strong case. That view was different from the one taken by the high school's supporters.

Yesterday, I received the Jewish community's high school proposal, which is to be submitted to the Department for Education and Employment because the community wants it to look at its rational case for that school—and it has many strong supporters.

The mission statement in that proposal states:

"The school will:

Teach Jewish pupils the beliefs and practices of the Jewish faith and an understanding of the responsibility for religious and cultural continuity;

Afford the regular opportunity to non-Jewish pupils to worship in their accustomed manner as they choose, and to explore ethics and morality in a wider sense through regular RE lessons;

Instil into all pupils of love of moral behaviour and a genuine respect, rather than a mere tolerance of other religions, races and cultures;

Ensure that our able pupils strive for nothing less than academic excellence, and that our less academically able pupils are given every encouragement to realise their potential and to discover areas of study in which they can develop and grow."

Those are aims to which we would all subscribe.

The school has many strong supporters. The late Councillor Patrick Crotty, Conservative councillor and former chairman of the education committee in Leeds, said that he was

"a firm supporter of the right of the Jewish community to educate its children in a Jewish environment."

The office of the Chief Rabbi, of course, supports the establishment of the school and states:

"It is the Chief Rabbi's view that Leeds will prove to be a role model for the community with its educational facilities in general and the Jewish High School in particular."

The Bishop of Ripon, the Right Rev. David Young, writes that in principle, he supports the establishment of a Jewish high school where a good case can be made for it, and continues:

"I would be happy to be involved in negotiations with the LEA"

if that would be of assistance.

The Roman Catholic Bishop of Leeds, the Right Rev. David Konstant, states that

"the dual system agreement was a milestone in the history of education provision in this country and established a unique and valuable relationship between public and voluntary bodies."

My hon. Friend the Member for Leeds, East (Mr. Mudie) says that he

"fully supports the proposal and understands the reasons why it is necessary."

[Mr. Fabian Hamilton]

My worthy predecessor, Sir Keith Joseph—the late Lord Joseph—stated that he could not but applaud the thinking of the proposers and their colleagues. He continued:

"There is strong evidence that Jewish schools with the support of Jewish parents produce firstclass education. The fact that you propose that the school be open to non-Jews removes one of the only possible objections."

I hope that my right hon. Friend the Leader of the House will respond to my plea to the Government to support the establishment of such a school, which will not only benefit the Jewish community, but further the provision of high-quality education and academic excellence in Leeds. The survey that Leeds university was commissioned to undertake when I was chairman of the education committee in Leeds found that the vast majority of Jewish parents in Leeds and many non-Jewish parents supported the establishment of the school. Of course there is a question about its effect on other schools in the area, but the survey found that many of the pupils who would come to the school were not in the system already. Some of them attended the independent school, Leeds grammar school; some attended schools outside the local authority area, perhaps King David school in Manchester or schools in Liverpool or Harrogate. The establishment of the school would meet the demands of the Jewish community in Leeds for a religious voluntary-aided school, and would contribute to the attainment of the higher standards for which we are all pressing.

I pay tribute to the proposers, including Victor Zermansky, retired solicitor and prominent member of the Jewish community in Leeds, who has pushed for the school for many years and who compiled the document to which I referred earlier, and Dr. Jonathan Bodansky, consultant physician at Leeds general infirmary and chairman of the charitable trust, who has pushed so hard, together with his colleague, Rabbi Ian Goodhardt. Those three men have worked extremely hard for the establishment of the school.

With the existence of Catholic voluntary-aided high schools and Church of England voluntary-aided high schools, it must be right to allow the establishment of a Jewish voluntary-aided high school in Leeds. That would be only equitable and proper. I hope that my right hon. Friend will pass the message on to the Department for Education and Employment so that such a school can be established before much longer.

12.3 pm

Sir Patrick Cormack (South Staffordshire): I cannot speak for the Leader of the House, but I can tell the hon. Member for Leeds, North-East (Mr. Hamilton) that he has made a powerful and eloquent plea. He cited among his distinguished supporters the late Lord Joseph, when he was Sir Keith Joseph. I add my voice to those. The hon. Gentleman's plea seems to me to be worthy of support. Let us hope that the right hon. Lady will be able to give him some encouragement when she replies.

The debate has been, as such debates always are, an extremely interesting series of pleas from hon. Members in various parts of the House. In responding, it is difficult to be both courteous and thorough. I shall try to be as thorough as possible, but I shall not deal at length with the speeches of hon. Members who are not in their places. When hon. Members raise subjects in such a debate, expecting a response from the Opposition Front Bench and, much more importantly, from the Leader of the House, it is important that they should be present to listen to what is said.

As was said by the hon. Member for Reading, West (Mr. Salter), who is not present, the Adjournment debate is a useful forum. He expressed the hope that modernisation would not sweep it away, and I echo that hope. I am sorry to have to correct my hon. Friend the Member for Ruislip–Northwood (Mr. Wilkinson), who seemed to think that there could be a vote. That used to be the case because we could vote on whether the House should adjourn, but we have already approved the Adjournment of the House, and now we are merely having a general debating exercise.

We heard from two Derbyshire Members. From the hon. Member for North–East Derbyshire (Mr. Barnes) we had a plea for a thorough investigation into the circumstances leading to the leak of sulphuric acid from a tanker, but as he is not present, I shall not deal further with that. The hon. Member for South Derbyshire (Mr. Todd) made an interesting speech about the closure of the magistrates court at Swadlincote. I echo his plea for the operation of magistrates courts committees to be reviewed. As one who comes from a constituency that is likely to suffer in a similar way, I believe that that plea should be heeded by Government. I hope that the right hon. Lady will respond to it.

I refer to the hon. Member for Chorley (Mr. Hoyle), not to deal with his points about the police force as he is not in his place to hear what I have to say, but to endorse what he said about Madam Speaker. She is commemorating today her 25th anniversary as a Member of Parliament. I am sure that I carry the support of every Member of the House in wishing her many happy returns of the day.

The hon. Member for Stafford (Mr. Kidney) appealed for co-ordination. We heard the appeal for the co-ordination of police forces in fighting crime from the hon. Member for Chorley, but the hon. Member for Stafford spoke with commendable brevity and lucidity—the hon. Gentleman is my neighbour and had the great good fortune to inherit part of my constituency at the last election—about the need for the co-ordination of care for a particularly important and vulnerable section of the youth community. I pay tribute to him for his initiative in convening the conference to which he referred. He spoke of the desirability of setting up a Staffordshire forum to assist that group, which seemed a sensible plea that would have my support and, I hope, the support of other hon. Members throughout the county.

My hon. Friend the Member for Southend, West (Mr. Amess) has become a regular participant in these debates. He spoke about the scouts, and he always comes prepared—prepared to talk about not one or two subjects, but generally at least three and, today, four subjects. We all hope that the scouts' tea party will be well attended. Opposition Members may listen with sympathy to his criticism of the operation of the Labour-Liberal Democrat pact on Southend council, but that will not carry the support of Labour Members. He also made an important point about the style of this Government.

My hon. Friend has raised in the House before, and need make no apology for raising again, the subject of the signing of ministerial letters. I know that the right hon. Lady, who is a person of impeccable courtesy, will agree when I stress the importance of Ministers signing their own letters. Unless a letter is sent as a matter of real urgency—when we all excuse the pp-ed signature—it should bear the signature of the Minister concerned. Some 90 per cent. of such letters are sent on to constituents who are worried about the topic that they have raised. They like to feel that, at the very least, the letter has passed before the Minister's eyes. It is a travesty of the system if letters come couched in fairly evasive language bearing the pp-ed signature. I hope that we shall see far less of that in the future. There are some Ministers from whom it is as rare to find a signed letter as it is to find an unsigned copy of a novel by Lord Archer.

We all appreciate that Prime Ministers bear heavy responsibilities. The Prime Minister bears many at the moment, and we wish him well in his journey to Northern Ireland today. We hope that the result for which he is campaigning will be achieved and that it will be a decisive majority. The Prime Minister goes to Northern Ireland with our total good will. However, as I have said before, he appears far too rarely in the Chamber.

When I first came to the House in 1970, it was common to see the Prime Minister pop into the Chamber to sit and listen to what was said in debate. That practice continued for many years. It was certainly very common to see all the Prime Minister's predecessors, including my right hon. Friend the Member for Huntingdon (Mr. Major), in the Division Lobby two or three times a week. The Prime Minister has voted in fewer than 5 per cent. of the Divisions that have occurred since 1 May last year, and that is frankly not good enough. It is not acceptable, and I hope that the Prime Minister will heed the advice of those of us who wish to see him more often. After all, he is the Prime Minister of this country and he should attend Parliament as often as his other duties permit. I believe that he is not here as often as he should be—especially in the Division Lobby.

The hon. Member for Somerton and Frome (Mr. Heath) referred to the discrepancy between the Government's rhetoric and their performance. I agree that there has been a significant discrepancy in that area. I would not be as charitable to the Government as the hon. Gentleman was—but he would not expect me to be. I entirely endorse his plea for a fair deal for the countryside. He talked about the pressures on green-field sites and the way in which structure plans seem to pay no regard to sensitive rural surroundings. I hope that the Deputy Prime Minister will use all the powers of his elevated office to ensure that we preserve our green belt. A few months ago, he made the immortal remark that the green belt was a Labour achievement and that it was the Government's intention to build on it. I hope it is the achievement that they intend to build on and that the remarks of the hon. Member for Somerton and Frome will be heeded.

The hon. Member for North Cornwall (Mr. Tyler) made a skilful speech—he generally does—about the problems for agriculture caused by the strong pound. It was, in fact, a veiled plea for signing up to economic and monetary union tomorrow—but he would not expect me to go along with that. However, I certainly endorse his comments about the need for the Government to make more provision for farmers. He pointed out with real force and eloquence that existing funds could be made available, and that more could have been done to help the hard-pressed beef farmers in particular. I hope that, in this season of agricultural shows, the Minister of Agriculture, Fisheries and Food—I am sorry to hear that he has not visited the west of England show—will devote some concentrated thought to that matter and follow it with proper action to assist the farmers of this country who have had a very difficult couple of years.

The hon. Member for Waveney (Mr. Blizzard) demonstrated that there is nothing like a constituency interest to concentrate the mind. He talked about the problems faced by the oil and gas industry and made a plea, which any Conservative Member would have been proud to make, for a continuation of sensitive tax treatment. There is more joy in the Chamber over one taxer who decides that he wants to repent than over a thousand who remain wedded to their previous principles. Let us hope that the Chancellor will heed his remarks.

My right hon. Friend the Member for Kensington and Chelsea (Mr. Clark) made an inimitable—as one would expect—and entirely impromptu speech. My right hon. Friend was stung by his "naming and shaming"—as he put it—by English Heritage. He knows all about that because although he said rather disingenuously that in his diaries, he had never shamed anyone, by Jove, some of those about whom he wrote must have felt a little less than chuffed when they read what he had to say about them.

My right hon. Friend made two extremely important points today which deserve the support of all hon. Members. It is quite unacceptable for unnamed officials to leak pseudo information—or even real information for that matter—of the sort to which he referred. My right hon. Friend told a quite appalling story of how he was quoted as denying something that was never an option as far as he was concerned. He also made a powerful plea for mitigating the burden of value added tax. I have campaigned for that for many years. VAT is particularly iniquitous for those who are charged with the maintenance of our historic churches, for instance. It is not fair that they should bear such a large VAT burden. The Archbishop of Canterbury made a speech last year in which he pointed out that more is paid in VAT on repairs to listed churches than is received in grants. That cannot be right.

Although I have taken the point a little further than did my right hon. Friend, his firm endorsement of the need to preserve our heritage should command our support and respect. I particularly enjoyed his comments about the plastic dome. Would that the building being erected to commemorate the millennium were able to stand the test of the millennium and be around for the next one. Many buildings in this country have stood for a thousand years or more, while I suppose that that trumpery piece of tawdry plastic will hardly last a decade.

My right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) talked about the device of the referendum. In Wales and in London, only 25 per cent. of people endorsed a particular scheme, which does not signify massive popular support. I agree with the call by the hon. Member for Reading, West—who is now in his place—for the registration of nannies. My hon. Friend the Member for Ruislip–Northwood asked to be informed about the details of the duty free studies, and I warmly associate myself with his remarks. However, if I associate

[Sir Patrick Cormack]

myself with much more, I shall deprive the right hon. Lady of her ration of time. Therefore, I shall leave it at that.

12.18 pm

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): I shall begin on a note with which I hope the whole House will agree. It is 25 years since Madam Speaker came to the House. Some of us were privileged to present her with a birthday cake this morning on behalf of the House, courtesy of my hon. Friend the Member for Wolverhampton, South-East (Mr. Turner) in his capacity as Chairman of the Catering Committee. I am sure that all hon. Members echo the congratulations that we offered to Madam Speaker.

We heard 13 Back-Bench speeches this morning and I have 12 minutes in which to respond to them. I shall be as thorough as I can, but if I miss some points, I shall write to hon. Members. I begin by echoing what has been said about the usefulness of a debate of this kind. To have three hours when Members can raise any subjects that they want is something that the House would wish to guard. I cannot speak for the members of the Modernisation Committee on all aspects of procedure, but I think that we want to preserve opportunities for Members to raise issues in this way.

My hon. Friend the Member for North-East Derbyshire (Mr. Barnes), who is a regular attender of these debates, raised a serious incident in his constituency, at Killamarsh. Obviously, my hon. Friend has not been able to return to the Chamber. He made important points and he asked me to pass his concerns to my right hon. Friend the Minister for the Environment, and I shall willingly do so. However, action has already been taken to follow up the incident to which my hon. Friend referred. The relevant authorities—the Environment Agency and the Health and Safety Executive—are looking into the causes of the incident and trying to learn lessons from them.

The hon. Member for Southend, West (Mr. Amess) is a regular attender on these occasions, as he was in the previous Parliament when he represented Basildon. The hon. Gentleman raised, as the hon. Member for South Staffordshire (Sir P. Cormack) said, four different issues. I shall not deal with them all in great detail, but there is one point, ministerial correspondence, that I wish to take up because the hon. Member for South Staffordshire did so from the Opposition Dispatch Box.

Members will know—I know that the hon. Member for South Staffordshire is well aware of this—that I have been taking up cases on behalf of individual Members. The hon. Gentleman may not have seen the parliamentary answer that I gave on Monday in which I stated that further to my comments in the House on several occasions, and in particular on 12 March, I had written to all my ministerial colleagues about the matter, asking them to take action where necessary. Sir Richard Wilson has written to all permanent secretaries asking them to make sure that replies are of high quality and timely.

It is not always possible for Ministers to sign every letter, as is wished by some Members. I hope that Departments that have had a vastly increased volume of correspondence will be able to take action to ensure that Members receive replies as quickly as possible.

I will not go into all the other points raised by the hon. Member for Southend, West, except to say that his boasting about rail privatisation contrasts with the usual questions that I receive at the Dispatch Box and the recent report on the failings of the rail service since privatisation. I know that those failings are of concern to many hon. Members.

My hon. Friend the Member for Chorley (Mr. Hoyle) talked about the possible reorganisation of the police force. My hon. Friend knows that the Government are committed to maintaining an efficient and effective police service. Of course, we are always willing to consider suggestions for improvement. My right hon. Friend the Home Secretary will consider any representations that are made to him. I can tell my hon. Friend that at present, there are no plans for a merger along the lines that he is suggesting. I know that my hon. Friend may wish to pursue the matter in other ways.

I think that the hon. Member for South Staffordshire said that the right hon. Member for Kensington and Chelsea (Mr. Clark) was inimitable. I thought that the right hon. Gentleman was entertaining, as ever. He raised two separate points, one being that grades 1 and 2 listed buildings have been deemed to be at risk and, therefore, have been named so that attention can be brought to that fact. There is nothing wrong with making it clear that there are problems in that area. The Government hope that the register that has been published will alert people to the importance of historic buildings.

I know that the right hon. Gentleman does not approve of naming and shaming, but I thought that he took the view that all publicity was good publicity. I hope that the right hon. Gentleman recognises that there is a real problem with these buildings and that more needs to be done to help them. The right hon. Gentleman said that he did not want any financial assistance. However, he then detailed two ways in which he wanted my right hon. Friend the Chancellor of the Exchequer to give financial assistance for these projects.

Mr. Alan Clark: Not direct grants.

Mrs. Taylor: Not direct grants, but it would be direct financial assistance.

I reject what the right hon. Gentleman said about the Government not being willing to respect our heritage. We have welcomed the list to which I referred because of our respect for our heritage. We need to look to the future and to respect what is good in the past. That applies to changing the House of Commons or respecting buildings.

I take up the important question raised by the right hon. Gentleman about a leak. If there has been a leak along the lines that he outlined and an official has given information to the press in that way—

Mr. Clark: False information.

Mrs. Taylor: If false information or, indeed, any information has been given to the press in that way, the matter will have to be examined. I shall ensure that the relevant Minister is informed of that problem.

My hon. Friend the Member for South Derbyshire (Mr. Todd) raised the issue of magistrates courts in Derbyshire and the hon. Member for South Staffordshire mentioned his interest in the matter. There has been a

great deal of discussion and I think that the Derbyshire magistrates courts committee has sought to keep local people informed. At present, there are no plans to change the structure for consultation. However, if people have ideas, they can be passed to Ministers as well.

The hon. Member for Somerton and Frome (Mr. Heath) said that the Labour Government had made no difference, but he then gave us support for some of the changes we have made, which he said were wholly beneficial. We welcome the usual Liberal Democrat approach to these issues. We have made significant progress in terms of our commitment to developing on brown-field rather than green-field sites. We are spending more than the Liberal Democrats asked for on education. I shall say more about agriculture when I respond to the comments of the hon. Member for North Cornwall (Mr. Tyler).

The hon. Member for North Cornwall said that the strong pound seemed to be the cause of most of the problems in north Cornwall. It is not the case that the Government have not provided help for agriculture; last year, we provided £1.8 billion of support. The hon. Gentleman mentioned that we could have had another £1,000 million from the European Union. He failed to remind us, although he made incidental mention of the fact, that that would have cost the British taxpayer a great deal. The British taxpayer pays 71 per cent. of money that is made available in that way.

I found the comments of the hon. Member for North Cornwall on the pound especially interesting. If he looks back to what his party leader said when the previous Government left the exchange rate mechanism, he will find that the right hon. Member for Yeovil (Mr. Ashdown) said:

"Freedom to devalue is the freedom to suffer inflation, to have lower growth, to decline while others prosper and to boom and bust, just as we have done for the past 40 years."—[*Official Report*, 24 September 1992; Vol. 212, c. 33.]

It is precisely because we want stability and not a return to that sort of economics that we are making sensible decisions. For the Liberal Democrats now to be the party of devaluation contradicts what the right hon. Member for Yeovil was saying earlier.

My hon. Friend the Member for Stafford (Mr. Kidney) made an interesting speech about children in care and their long-term needs. I think that there would be a great deal of support and admiration for his suggestion about bringing people together at local level to ensure proper co-ordination. These issues, especially the transition to independence, are important. I wish my hon. Friend well with this project. Other Members may wish to follow his example.

My hon. Friend the Member for Waveney (Mr. Blizzard) mentioned a constituency interest with wider implications—the fiscal regime affecting the offshore oil and gas industries. My hon. Friend said that he was not a tax expert, but at times, he sounded like one and I commend him on that. He asked the Treasury to take a wider view, but he acknowledged that it was not a simple issue. I shall ensure that his remarks are passed to my ministerial colleagues. There will be proper consultation before any detailed plans are finalised.

The right hon. Member for Bromley and Chislehurst (Mr. Forth), to whom I always listen with great pleasure, raised the question of referendums. It is a little ironic that he is criticising referendums on the day when the leader of his party is, rightly, in Northern Ireland campaigning for a yes vote. He asked whether referendums were a legitimate or valid process. I am afraid that he will simply have to live with the fact that the House has approved legislation that he does not like, and he will have to live with the consequences.

My hon. Friend the Member for Reading, West (Mr. Salter) discussed the Playpen campaign. The Government are undertaking consultation on future regulation in that area, so it would be wrong if I said anything that might pre-empt that.

The hon. Member for Ruislip-Northwood (Mr. Wilkinson) mentioned duty-free goods. I remind him that it was the Conservative Government who, in 1991, signed up to the abolition of duty-free procedures. The hon. Member for South Staffordshire also mentioned that matter—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order.

Cherry Tree Nursery, Wakefield

12.30 pm

Mr. David Hinchliffe (Wakefield): I am grateful for the opportunity to raise a series of concerns relating to the operation of the Registered Homes Act 1984 and the Children Act 1989 in respect of the recent registration of Cherry Tree day nursery, which operates in premises that were, until recently, used as a residential care home known as Garden house. The establishment is situated at the junction of Upper York street and Borough road, close to Wakefield city centre.

When the House previously discussed the operation of the 1984 Act and wider issues concerning care provision, I expressed my worries about weaknesses in the legislation in respect of the suitability and fitness of the owner or owners of businesses that are subject to registration. The developments that I shall outline today in respect of the former Garden house establishment and its transformation into the Cherry Tree day nursery, under the same ownership, provide a clear illustration of the need to ensure that the forthcoming proposals for reform of registration and inspection procedures deal clearly with the suitability and fitness of owners as well as managers and staff.

I want to make it clear at the outset that I have no reason whatever to raise questions about the fitness, suitability or competence of those staff working in the Cherry Tree day nursery who had no previous involvement in the running of the former Garden house care home. I hope that when they are aware of the numerous representations that I have received about this matter, they will understand why it has been necessary to bring it to the attention of the House. I emphasise that my prime concern is to illustrate a major weakness in the law that has allowed Mrs. Pauline Webster, the owner of a care home that had caused the local registration authority serious concerns, to register another care enterprise with a different client group and legal framework.

My involvement in the matter began in 1996, when some constituents sought my advice on the placement of their elderly mother. I recall advising them to contact the local Abbeyfield trust, which operates an excellent establishment in Wakefield. I later learned that their mother had, for whatever reason, been admitted to the Garden house residential home. Prompted by its owner, Mrs. Webster, they wrote to me asking for my support in objecting to a planning application to convert a carpet shop adjacent to the home into a nightclub and discotheque. The local authority refused the application in November 1996, but I am advised that Mrs. Webster asked all relatives to keep an eye on planning applications mentioned in the local paper.

The daughter of one of the residents has given me a written statement, which sets out in her terms the subsequent events. Although I have permission to quote verbatim from that statement, and from statements made to me by relatives of other former Garden house residents, I do not intend to reveal their identities during this debate because at least one of them—along with me and the local newspaper, the *Wakefield Express*—has already received what I can only describe as threatening letters from solicitors acting on behalf of Mrs. Webster. However, I am only too willing to make available to the Minister all the correspondence and evidence that I have received on the matter, which substantiate in detail the serious concerns that I shall express.

The daughter writes:

"One Friday evening in February (1997) on my way back from visiting my mum in Garden House, I picked up the local paper as usual. Whilst having my lunch I was horrified to see Mrs. P. Webster, Day Nursery, same address as residential home in planning."

The lady was understandably deeply concerned that, having only recently settled her mother into Garden house, assuming that it would be for the rest of her days, the establishment was apparently to be converted into a day nursery. She immediately rang Garden house and spoke to Mrs. Webster's niece, Ms Amanda Lodge, with whom she had already conversed earlier that day when nothing had been mentioned. She said:

"She assured me Mum would be fine for at least two or three years, nothing at all to worry about, it's just in case Hanson's (the carpet shop) does become a nightclub or pub, then it would not sell as a residential home. It all sounded fine to me and others too."

On 4 March 1997, the daughter paid £940 advance fees in respect of her mother's care, effective from 6 March. On 18 March, Mrs. Webster rang her to say that the home was closing and her mother had to leave as soon as she could find her an alternative place.

The daughter of another resident wrote that she, too, had sought assurances from Amanda Lodge after the appearance of the planning application for a nursery. Ms Lodge had said that there was no way in which that could happen. In a letter the daughter says:

"I carried on visiting my mother until on 17 March Mrs. Webster rang me at home and asked me to look for somewhere else for my mother within the next fortnight as she was closing. I was absolutely shocked and in my opinion she should have told me earlier if she knew what was happening. I think she just kept everybody there to keep her money coming in."

Another letter that I received states:

"I did not like the way I was given 12 days notice for my mother to find another home. My mother did not want to go into a home in the first place and she had just settled down and then we had to go through all the upset again."

Other letters from relatives of residents make similar statements, some of which refer to disputes with Mrs. Webster over allegations of outstanding fees. In one case, the family concerned had clear evidence of having paid in advance for the care of their relative, but, as she left the home, Mrs. Webster allegedly threatened them in

"a very hostile and abusive manner".

One of the relatives said that the family paid the £235 fee only

"to stop Mrs. Webster besmirching my mother's or our name".

The family then immediately put the matter in the hands of solicitors.

Another family was owed £470 for overpayment of fees at the time of the closure. I have evidence to show that the cheque that Mrs. Webster issued to them on 20 March for that amount bounced when presented at a building society.

It is now apparent that alterations to turn the home into a day nursery were being undertaken while the elderly residents were living there, unaware that they would shortly be made to leave. The first relative whom I quoted states:

"Sometime at the end of January, beginning of February (1997) work started on Garden House and it got worse. When I asked, it was 'Oh, a leak here and another one there.' It was still going on when my mum moved out and a large fireplace was taken out of my mother's bedroom whilst she and the lady she shared the room with were still using that room and which they had paid for."

Another relative wrote that her mother was moved from her own bedroom to another one as the alterations started before the residents even knew that they were to leave.

Unfortunately, I became aware of those developments only after Garden house was closed and several relatives of former residents complained to me about their treatment. I was especially concerned to receive detailed complaints about the quality of care received at the home, which in some cases became apparent only once the residents had moved elsewhere. For instance, one person had had serious worries about an itchy rash that her mother had had on her body for several months. It caused her to scratch, sometimes until she bled. When she moved to another home, the rash was immediately recognised as scabies, for which she and all the other residents received immediate treatment. I find it astonishing that that condition had been deemed to be a nervous rash during her stay at Garden house. After the concerns of relatives featured in the *Wakefield Express* in 1997, I received a letter from someone who had worked at Garden house, making detailed allegations of residents being frightened of Mrs. Webster.

After receiving representations from relatives of former residents, I took up their detailed concerns with the chief executive of Wakefield metropolitan district council, the registration authority. I was advised that a range of concerns about Garden house had culminated in the issuing of a section 20 notice in August 1994, to ensure compliance with standards. The registration authority had become aware of the possible change of use in December 1996 through informal inquiries by Mrs. Webster about day nursery registration.

After the environmental health department had been asked in February 1997 to make an advisory visit regarding day nursery proposals, the registration and inspection unit wrote to Mrs. Webster on 18 February 1997, referring to the possible change of use of Garden house. The letter advised:

"In view of the need to ensure that the needs of current users are met, it would be important to ensure good communication between her and the Adult Section of the Registration Unit if she decided to proceed with an application for a change of registration."

During the following month, the unit spoke to Mrs. Webster about the need for careful planning to minimise disruption to residents, and she was asked to forward information about residents for whom the local authority had responsibility. It says that she did not provide the information until it made a follow-up telephone call.

The unit learned of the imminent closure of the home following a telephone call from the contracts section of the community and social services department on 24 March 1997. It visited Garden house that day, and established that a number of residents had been moved and that the home was due to close on 28 March. In his letter to me of 22 May 1997, the chief executive of Wakefield metropolitan district council states:

"Mrs. Webster was not at the home on this visit and had not at any time advised the unit of the home's closure date."

In the same letter, he advised me that, on 25 March, a letter was sent to Mrs. Webster summarising previous correspondence and communication between the unit and her over the closure, advising her that she had again not complied with the requirements of regulation 14 of the Residential Care Homes Regulations 1984 and requesting the immediate return of the certificate of registration.

Mrs. Webster did not reply, so a further letter was sent to her on 15 April 1997. The certificate was returned to the unit through her solicitor on 17 April. The chief executive's letter advised me at the time that a letter was being sent to local authorities in England and Wales recommending that they contact Wakefield metropolitan district council should Mrs. Webster apply to register a residential care home.

On 1 July 1997, a sub-committee of the council's community and social services committee cancelled Mrs. Webster's registration as the person in control of Garden house, and that of Mrs. C. Russell, its registered manager. On 16 December 1997, the sub-committee considered an application by Mrs. Webster and Ms Lodge to be registered to provide full day care at Cherry Tree day nursery, which had the same address as Garden house.

The committee was given legal advice in relation to sections 79(9), 71(10) and 71(11) of the 1989 Act which explain that powers to refuse registration have to be related to the fitness of an applicant to look after children aged under eight. The sub-committee was advised of the concern of officers about the abrupt closure of Garden house and the complaints received about that. It was also advised of the serving of the notice on Mrs. Webster about the breach of regulations under the 1984 Act.

It was recognised, however, that, despite those concerns, the authority was constrained by the legal advice relating to the fitness of the applicant to look after children, as defined in the 1989 Act. In the circumstances, the sub-committee took the view that registration would not be granted until it was provided with specific information about the qualifications and experience of those who would have day-to-day responsibility for the service. That information was considered by the sub-committee on 10 March 1998, and, because of the satisfactory arrangements that had been made for the day-to-day management of the day nursery and on the basis of the available advice, registration was granted.

I have no criticisms of the actions of the local authority in respect of the case. I believe that anomalies in the 1989 Act prevented it from refusing a registration when it had clear grounds for serious concern arising from the running and subsequent closure of Garden house. In a letter to me on 15 May 1998, the director of social services wrote that, under the Act,

"the employment of suitable qualified and experienced staff who will manage the service on a day to day basis in the form of Officer in Charge and Deputy Officer in Charge, is the issue which registering authorities have to decide on with regard to the fitness of an applicant. In this context, the employment of suitable staff with responsibility for managing the service on a day to day basis, effectively places a barrier between Mrs. Webster's role with regard to the closure of Garden House and the extent to which this can be taken into account in the operation of Cherry Tree Day Nursery."

In effect, the 1989 Act became a barrier to proper consideration of information on the actions of two people previously registered under the 1984 Act and involved in the day care of children.

The registration of the Cherry Tree day nursery was reported in the *Wakefield Express* on 20 March 1998. To its credit, concern over subsequent developments was fully reported, despite threats of a libel action by Mrs. Webster's solicitors over coverage of the closure of Garden house. As a consequence of that further press coverage, I received a fax that same day from Mr. David Crisp of Gough and

[Mr. David Hinchliffe]

Norris Construction, a building company based in Wakefield. I have Mr. Crisp's permission to refer to its contents.

Mr. Crisp advised me that

"Gough and Norris carried out a significant amount of work for Mrs. Webster on improving the car park and the garden/play area at the nursery. To date Mrs. Webster has not paid a penny for the work and clearly has no intention of doing so. Gough and Norris have taken Mrs. Webster to court and I attach the awards made in our favour. Sadly, the courts cannot, it seems, make Mrs. Webster pay and we have to find a way of securing our debt."

He continues:

"We are not the only company that Mrs. Webster employed and we are aware of others who are either owed money or who have had to turn to the courts to secure payment. We are a small company and somewhat naively assumed that Mrs. Webster would honour her agreement when the works had been completed—Mrs. Webster is clearly not an honourable person and has in our opinion openly manipulated the system to avoid paying her debts."

The company enclosed copies of a judgment of Wakefield county court dated 20 January 1998 ordering Mrs. Webster to pay it £3,564.24, and a copy of an application from Mrs. Webster dated 28 January 1998 for the judgment to be set aside because the court's information was sent to Zermansky's solicitors, which she states no longer represents her. That is especially interesting, because the solicitors Zermansky and Partners of Leeds wrote the letter threatening legal action on behalf of Mrs. Webster to the *Wakefield Express* on 29 September 1997.

On 16 April 1998, the firm also wrote to a woman whom Mrs. Webster believed had written to the *Wakefield Express* complaining about the way in which Garden house closed. On the same day, it also wrote to me, on behalf of Mrs. Webster, suggesting that I was not aware of what it termed the full facts of the case, of which it was preparing a detailed summary. It promised that summary, for which I asked urgently, more than a month ago; it was faxed to me earlier this week, presumably because this debate was to take place. I have made it available to my hon. Friend the Minister. In my view, it does not in any way address the serious concerns expressed by my constituents.

For a considerable time, I have been under enormous pressure from many of my constituents to bring the matter to Parliament's attention. Since the day nursery's registration, I have had to balance the serious concerns of those affected by the Garden house closure, and of companies such as Gough and Norris, with the interests of staff who work at the nursery, but have no connection with Garden house. I hope that the staff concerned understand that I would have been failing in my duty if I had not acted on the representations received.

I hope that the Minister will assure me that this apparent anomaly in legislation will be addressed and that steps will be taken to deal with other issues that arise from this case. I appreciate that several of these issues relate to the responsibilities of the Department of Health, but, for the record, I should like to make the point that Age Concern in Wakefield was extremely perturbed that, when Garden house was closed, there was a lack of sanctions available to the local authority. It suggests that a local authority should have the ability to take control of a private home in such a situation until suitable new homes have been found for residents—rather like an official receiver takes control of a business.

I add one other point, which is also relevant to the Department of Health's role. At the time of the closure, the local authority was obviously primarily concerned with those residents whose care costs it had met. The other residents were fortunate to have relatives who were able to seek alternative placements, but, if they had been elderly people with no families, I wonder how they would have fared.

I appreciate that much of the debate relates to Department of Health concerns as well as to those of the Minister's Department, but I look forward to her comments on the concerns that I have expressed.

12.50 pm

The Parliamentary Under-Secretary of State for Education and Employment (Ms Estelle Morris): I thank my hon. Friend the Member for Wakefield (Mr. Hinchliffe) for bringing this matter to the House. It is clearly an issue of great concern in his constituency, not only to people who have been residents and their families, but to others who may, as he says, find themselves in a similar situation. As he says, the case that he has quoted spans legislation that is covered by both the Department of Health and the Department for Education and Employment. I welcome the opportunity to respond to his concerns and to set out the Government's views on the subject.

There are clearly two issues: the registration of the residential home and the registration of nurseries and child care establishments, which is perhaps of greater importance, given the work that the Government are doing.

I understand my hon. Friend's concern about the history of the Cherry Tree day nursery. He has set out important details relating to the nursery's former existence as a residential care home for the elderly, which was closed at short notice by the owner, causing considerable distress to the residents of the home at the time. As he is aware, such homes are registered under the Registered Homes Act 1984, which is the responsibility of the Department of Health.

I assure my hon. Friend that registration authorities can decide to cancel a home's registration if the home is considered to be seriously in breach of registration conditions. Emergency powers are also available. He will also be aware that there are occasions when, for a variety of personal reasons, a home owner may choose to cease trading and that it is very difficult for the Government or local authorities to intervene in such a decision.

I understand from contacts that my officials have had with Wakefield metropolitan council that the closure of Garden house was at the owner's instigation, and that, at that time, the local authority had no evidence of any impropriety or serious risk to the home's residents to cause it to consider closure itself. However, my hon. Friend paints a disturbing picture of the events surrounding the closure of Garden house and hints at misconduct by the owner. He will agree that local authorities should take action only when clear evidence is put before them and that, in the interests of fairness, it would not be reasonable to do otherwise. However, the general fitness of a person and their ability to care for children should be taken into account when deciding not only on original registration, but on matters that might be brought before local authorities subsequently.

I turn to the process of registration for the Cherry Tree day nursery, as carried out by Wakefield metropolitan council. I understand that, in December 1997, an application was made to the council for registration under the Children Act to provide full day care at Cherry Tree day nursery, at the site of the previous residential home. Primary responsibility for making judgments on those issues rests with the local authority.

In deciding whether to register the nursery, the authority considered carefully the fitness of the people who were applying for registration. I shall return to that matter because I accept that it is at the core of what my hon. Friend has been speaking about. The authority's consideration covers the fitness of the person who seeks registration to care for children, the fitness of anyone likely to be working or living at the premises where care is provided, and the fitness of the premises.

The authority concluded at that time that it had no evidence or other grounds to refuse registration. If such evidence were forthcoming, the authority would have ample scope within the legislation to refuse registration for the nursery. Indeed, if there is concrete evidence or serious concern that any person is not fit to care for young children, the authority has ample powers under the Children Act to cancel registration. It is important to note that it is not only initial registration that ensures use; the authority has powers to cancel that registration as well. If the evidence suggests that any child who uses the service is at risk of serious harm, emergency powers are available for the immediate cancellation of registration. I understand that no such evidence has been brought to the local authority's attention, so it has not felt able to act.

Let me outline what we have done and are doing to help to reassure families and to improve services for children. We know that early years services have evolved considerably over the past few years. As well as an increasing number and variety of providers, there is a strong move towards the integration of early education and day care. Indeed, for all children, particularly the youngest, the two concepts cannot sensibly be separated. Regulating the provision of early education and day care is essential to ensure the safety and welfare of children; to provide additional assurance to parents; and to ensure that public funds are well spent.

It is crucial that any parent who puts their child in any caring establishment that claims to provide care, education or both has the reassurance that their child will be well protected. The system of regulation and inspection for both child care and early years education that we inherited from the previous Government leaves a lot to be desired. As both those sectors have grown in importance, there has been no cohesive action to make sense of the different regulatory and inspection frameworks that operate.

That is why, on 27 March, we issued an important consultation paper on the way forward for inspecting and regulating establishments such as the Cherry Tree day nursery. I reassure my hon. Friend about the five principles on which the consultation paper is based. They are those identified by the better regulation task force: consistency, transparency, proportionality, targeting and accountability.

The paper is out for consultation. Because we do not want to prejudge the issue, it asks a series of questions about what we have identified as the key issues. I reassure my hon. Friend that one of the questions that is specifically raised is what we should do when we consider fit people and premises requirements in relation to the regulations. We look forward to receiving many constructive and thoughtful responses, which will help us to devise a more appropriate regulatory regime. I will take his comments as a response to that consultation, but, given his wide experience in this matter and his clear constituency interest, I hope that he will feel able to respond further and in greater detail to the specific questions that we have asked.

My hon. Friend has raised a crucial issue: the care of those who are often the most vulnerable in our community. They have a right to be protected, and that will happen only if we have a regulatory and inspection framework that enables that inspection to be robust. His debate is timely not only because the Department of Health is reviewing its inspection arrangements for residential homes, but because we are reviewing our regulatory framework for people who look after young children.

I shall consider the questions that my hon. Friend has raised, in particular whether owners are included in the category of fit people. I shall ensure that, in further consultation, we emphasise the need, as my hon. Friend rightly did, to ensure the appropriateness of the owner of an establishment, as well as those who run it. I thank him for bringing the matters to the attention of the House, and I look forward to hearing his further comments as part of our consultation.

School Choice

12.59 pm

Dr. Vincent Cable (Twickenham): I am grateful for the opportunity to hold this debate. Its subject is very familiar to the Minister. I do not want to repeat the mantras about the Greenwich judgment; I want to try to update the problem in the light of new developments, particularly the effect of the School Standards and Framework Bill and the requirements for smaller primary classes, which materially affect the issue. I want also to make practical proposals as to how we can make headway on the matter, which I know the Minister has discussed.

I come here in the hopeful expectation that the Minister of State is in a listening mode. I am encouraged by the fact that I wrote to him a few weeks ago on the more specialised subject of the lighting deficiencies of one of my local secondary schools and I was pleasantly surprised to receive a letter from him informing me that the money would be available in the capital budget for the following year. I realise that this is a much wider issue, but none the less, that suggested that I should have some hope and faith in ministerial attention.

The starting point for my remarks is parochial because I want to make initial references to my borough, Richmond. I do not do so in a narrowly parochial way because my points relate to a substantial number of boroughs. Around nine boroughs in London, which is roughly 20 constituencies, and about six in other parts of the country—probably more now that we are changing from county councils to unitary authorities—face the same problem in different ways. Richmond's experience is instructive and, I hope, from the Government's standpoint, positive in several ways.

First, Richmond, perhaps more than any other council, has taken seriously the Government's edict of regarding education, education, education as the main priority in expenditure, so much so that the borough has made painful decisions to give overriding priority to schools. It has taken standards extremely seriously to the extent that in the primary sector, and to a lesser degree in the secondary sector, it is probably pre-eminent in the country. Perhaps most important, the borough ignored all the blandishments of the Conservative era and not a single school opted out of local authority control and became grant-maintained. Parents, teachers and the council maintained faith in the local authority principle, so the authority has many positive features that the Government would find attractive.

The Greenwich judgment problem has affected Richmond in several key respects. We have roughly 10 per cent. of the primary intake from other boroughs and almost 45 per cent. of the secondary intake. That is partly a function of geography. Richmond is a small, elongated borough, and there are probably several natural neighbourhood movements across the border, but the school intake is far in excess of what would be achieved simply as a result of neighbourhood concentration.

What causes strong feeling in the area is the process of migration from low council tax, low service standard boroughs such as Wandsworth into my borough, where council taxes are relatively high, partly as a result of very high expenditure on education. If that were happening in international trade, it would be called an unfair trading practice, but it is a practice that we must accommodate as a result of the way in which the legislation gives the authority no discretion to favour local residents.

That practice is causing specific problems, of which I know the Minister of State is well aware. First, there is a great deal of parental frustration. During the past couple of years, more than 100 parents in the primary sector, which is the least affected, were unable to get their first choice, and most of them appealed. There were many more such cases in the secondary sector.

There is a problem of physical overcrowding. The projections undertaken as part of the council's forward planning exercise show that about seven and a half additional classes at first-form entry will be required to meet additional demand, much of which comes from outside the borough. That figure will increase as a result of the class size reduction planned by the Government.

Apart from those purely statistical problems, there is a deeper political problem that I have sensed during the year in which I have been a Member of Parliament. I have tried to justify to electors on the doorstep an overriding priority for education as an expenditure and a social objective. I often get from residents, particularly older ones with grown-up children, the riposte, "Why are we in this borough spending so much on education? What benefit do we receive from that? We pay high council tax for our schools, but so much of the capacity is used up by people from outside the borough. Why do we bother?" Our commitment to education is being eroded because under the current law, the council is not allowed to give its own residents and council tax payers preference in the allocation of school places.

That is the problem, but there are two new considerations, which I hope will advance the debate a little. The first is the passage of the School Standards and Framework Bill. One of its key features—of which the Minister, as the Bill's architect, is well aware—is that it gives local education authorities responsibilities for school standards and enhances their role. However, it gives them the end without giving them the means to achieve it. A local education authority's additional responsibility should be reflected in greater authority and discretion in admissions policy.

The other development, which quantification suggests will have a significant impact, is the decrease in class sizes as a result of the maximum of 30 in a class that the Government want to introduce. In broad terms, that aim is absolutely right and we have fought and argued for it. It represents considerable progress. Research shows that class sizes, particularly in the primary sector, should be as small as possible, probably much smaller than 30. Therefore, the Government's aim is an admirable advance, and we fully support it. However, it presents practical problems because it will require a considerable increase in the number of classes that have to be accommodated. The early calculations in Richmond suggest that the shortage of classes in 2000 will increase from the present seven and a half to 10. Those classes must be accommodated.

The spirit in which the Government propose to approach that problem is reflected in the draft regulations, which have been put out to consultation. A key phrase in the draft regulations says that

"where extra places are needed, they should be created in popular, over-subscribed schools with high standards".

Those are exactly the schools that Richmond has and where the additional pressure will be felt. In our borough, we are extremely conscious that the Government's requirements, which I stress we strongly favour in principle, and the methods to fulfil them suggested in the draft consultation document will greatly accentuate the practical problems of dealing with cross-border migration.

I have a few suggestions as to how we might find a solution. I am well aware that the Minister of State has taken part in several debates with my colleagues on this matter. He has been approached by national associations, the subject has been raised at teachers union conferences and there has been extensive correspondence. I have recently been shown a helpful letter on the subject from the Minister to my hon. Friend the Member for Richmond Park (Dr. Tonge).

I stress that when we speak of abolishing the Greenwich judgment or changing the law, we are making a modest suggestion. No one who is concerned with the problem seriously expects the Government to introduce primary legislation. Indeed, in the letter to my hon. Friend the Member for Richmond Park, the Minister of State specifically rules out legislative change, and we understand that.

There are probably two ways in which secondary legislation and regulations could be used to deal with many of our problems. First, written into the admission regulations issued after the passage of the new legislation could be the right of local education authorities to consider an authority's boundaries as a legitimate criterion in admissions policy. I imagine that the Government might well respond to that proposal by saying that allowing such a criterion could be open to abuse, and by saying, "We might have a leafy shire borough trying to exclude all the yobs from across the boundary. We must not allow that to happen."

I envisage that such abuse could be avoided by building into the legislation a proviso that the local education authority's policy must in the final analysis provide for an appeal to the Secretary of State, who would have overriding powers to ensure that the more flexible admissions approach was not abused. However, with that proviso, the local education authority should be recognised as having a status in consideration of preference—so that, when pupils are competing for a place, a pupil's origination in the tax-paying authority should be regarded as a legitimate basis of preference.

We are therefore talking about overturning the Greenwich judgment not in any very grand way, but simply by allowing authorities where the judgment is a problem to take local residents into consideration in their admissions policy. That would be one way of dealing with the problem.

Another way of dealing with the problem, within broadly the same framework, would be the independent appeals system, admirably introduced by the new legislation, with a higher authority to that appeals system. If the appeals system had incorporated within it the provision that appropriate weight should be given to someone's residence in the tax-paying authority in considering an appeal against rejection of an application for a school place, it would go some of the way in meeting our concerns.

Therefore, many of the concerns of my borough and of boroughs like it could be met appropriately through admissions regulations, appeal regulations or a combination of the two.

I suspect that the other way of dealing with the problem—through financial flows—is probably less palatable to the Government, although it certainly follows from the logic of a free-for-all, if that is what the Government wish to allow to continue. In the past few years, under the standard spending assessment system, money has effectively followed pupils, as the Minister knows. However, the system does not take into account capital costs.

One of the mounting problems that I have already described—overcrowding of schools, aggravated by the Greenwich judgment, and combined with the smaller class requirement—will create major demands for capital funding for our local authority. If the Government cannot find any way of changing the regulations, they will have to make available substantial additional capital funding to enable all those children to be adequately provided for within the framework of local authorities' obligations. I appeal to them to do so, although I suspect that that option would be more expensive and perhaps less efficient for the Government. Nevertheless, it is the other way of dealing with the matter.

I ask the Minister to try to help us to move the debate forward, because we have a genuine problem. Although we realise that the problem does not affect the whole country, it affects authorities that attach a high value to education and—in the case of Richmond—a very high value to staying within the maintained sector. Although my constituents wish to comply with the Government's expectations of higher standards, they strongly believe that—ultimately, as a matter of principle—if one pays one's council tax to the local council to improve education services, one should have preferential access to its schools. It is a simple principle, and I hope that we shall be able to find a way of recognising it.

1.13 pm

Dr. Jenny Tonge (Richmond Park): I thank my hon. Friend the Member for Twickenham (Dr. Cable) and the Minister of State for allowing me to put in my five penn'orth. As my hon. Friend knows, we share the borough of Richmond upon Thames, and my constituency also spans the borough of Kingston upon Thames, which has a similar problem with the Greenwich judgment.

The problem in Richmond upon Thames is—judging by my postbag—mainly in the secondary sector, as all but one of our secondary schools are on the borough's borders. Consequently, 45 per cent. of children in secondary schools in Richmond upon Thames are not Richmond children but from other boroughs, which, as my hon. Friend explained, has caused much ill-feeling among the borough's residents.

If the borough had the money or could find a site to do so, we could move all those schools and plonk them in the centre of the borough. Although doing so would solve the problem, it is not possible.

We could expand our schools, although doing so would be against the wishes of parents and governors, who think that the schools are already large enough. Moreover, if we expanded the schools, more children from out of the borough would come in, as they would still be on the borders, and we would still run the schools nearest to many children in other boroughs.

I have sympathy for parents who are near the borders of a borough with excellent schools. It must be very difficult to live a mile away from a suburban school run

[Dr. Jenny Tonge]

by the borough of Richmond upon Thames, and to be struggling to ensure that one's child receives a good education, when one's own borough is not providing the same education. Nevertheless, we shall have to deal with the problem in the ways suggested by my hon. Friend.

The Greenwich judgment has created an acute problem for some London boroughs, particularly Richmond, and I urge the Minister to consider possible solutions. Within the borough, we have tried everything that we can possibly do. I myself have been a councillor in the borough and have struggled with the problem. Although we have tried, we simply do not know what to do, to be fair to our own children.

I wonder whether the Minister—who very kindly and courteously replied to correspondence from me—or his civil servants could come to the borough to hold discussions with our officers and staff, to try to reach some sort of solution to a terrible problem.

1.15 pm

The Minister for School Standards (Mr. Stephen Byers): I congratulate the hon. Member for Twickenham (Dr. Cable) on securing this debate on the consequences of the Greenwich judgment, and particularly on the reasonable way in which he addressed the issues. We are always pleased to have solutions proposed to problems as they arise, and I hope that we are a Government who are prepared to consider sensible propositions, from whichever political party they may originate. We want to put children's interests first.

I am pleased also that the hon. Member for Richmond Park (Dr. Tonge) has been able to speak in the debate. We have corresponded on the issue, and—both since she was elected to the House, and for a few years before that, as a locally elected council member—she has shown concern for her constituents, and about the way in which they are affected by the Greenwich judgment.

It might be worth outlining the exact consequences of the Greenwich judgment, as there has been a good deal of confusion about the judgment's meaning in practice. Sometimes, there is a tendency to blame all the difficulties of an admissions procedure on the Greenwich judgment and its consequences.

The judgment was largely a result of the abolition of the Inner London education authority. Many London boroughs were within the ILEA, but they did not have responsibility for education. On the ILEA's abolition, the individual boroughs themselves became local education authorities, which caused some difficulty.

The abolition certainly caused problems in Greenwich and Lewisham. As the two boroughs were within the ILEA, over the years, many children residing in Lewisham went to schools in Greenwich, and many children in Greenwich went to schools in Lewisham. There was much free trade, as there was no local education authority.

On abolition of the ILEA, with education responsibilities being passed down to individual inner London boroughs, the two boroughs themselves became local education authorities. Greenwich decided that it wanted to give overriding priority to children whose parents resided within the Greenwich area, and to establish a boundary based on local authority areas.

In 1989, the Court of Appeal had to decide whether Greenwich's decision should be binding. The decision was that priority should not be given to an applicant solely because he or she resided in a local education authority area. However, the judgment does not mean that schools have to expand to admit out-of-LEA-area applicants. They can simply admit up to their published admissions limit and then refuse applications. Therefore, an admissions authority has the power to cap the number of pupils who may come to a school.

When a school is over-subscribed, the duty to comply with a parent's choice is disapplied and is no longer a priority. Instead, admissions authorities have to use any reasonable criteria to allocate places among applicants. If an admissions authority so wishes, it can give priority to those living closest to a school. That is clearly the case.

There is some confusion on the matter. The Greenwich judgment does not deny local parents a choice of school. It lays down that an admissions authority cannot give priority simply because an applicant resides within an LEA area. It is a question not of locality or proximity, but of an administrative area—the local education authority—which cannot be regarded as giving priority to a particular applicant.

Mr. Phil Willis (Harrogate and Knaresborough): Do not the Minister's comments fly in the face of the Rotherham judgment—the other judgment that must be considered—which gave a different primacy in admissions policy?

Mr. Byers: I am not sure that the Rotherham judgment does that. It concerns the expression of an order of preference by individual parents and is not related to where the parent may reside, so the two issues are quite different. The Rotherham judgment will cause a number of problems in certain local education authorities because of the way in which they have traditionally operated their admissions arrangements, but it is sensible to consider that judgment as a separate set of problems, to which we look forward to solutions being offered, as opposed to the problems created by the Greenwich judgment, which are different. The Greenwich judgment still allows proximity to be an issue—a reasonable criterion to be applied—but does not restrict it to residents within a particular LEA area.

We have been considering the implications of the Greenwich judgment in the light of the School Standards and Framework Bill and, in particular, the code of practice on admissions that we shall have to publish as a result of the provisions in the Bill. I am sure that we shall reflect upon some of the comments made by the hon. Member for Twickenham when we draw up the code of practice, which we expect to be able to publish some time early next year. There will be a full debate in the House on the details of the code, because it is subject to agreement by both this House and the House of Lords.

In the interim, guidance will be issued on admissions for September 1999. My right hon. Friend the Secretary of State hopes to issue that guidance within the next four to six weeks. Once again, it will be for consultation and will provide another opportunity for hon. Members who are concerned about the impact of the Greenwich judgment to make representations.

The Government's priority on school admissions, which will be reflected in the interim guidance, is to enable local education authorities and schools to meet the

preferences of as many parents as is realistically possible, regardless of where the parents happen to live. We have listened carefully to representations on what we can put in the Bill, but we are not convinced of the need to reverse the Greenwich judgment. Indeed, the White Paper, "Excellence in Schools", which we issued last July, referred explicitly to admissions and did not reveal a national ground swell of opinion for changing the impact of that judgment. In many areas, it has opened up opportunities for many parents.

Local education authority planning should support parental preference. Patterns of cross-border movement have become well established, some even predating the Greenwich judgment itself. LEAs should be able to plan school places around those admissions patterns. That does not mean that there should not be proper cross-border co-operation. Our proposed new framework for school admissions will require consultation and the agreement of admissions authorities throughout LEA areas.

I recognise that some parents feel strongly about the effect of the judgment. We heard this morning from the hon. Members for Twickenham and for Richmond Park, who represent Richmond, about the problems and the way in which parents feel the Greenwich judgment is affecting their choice. However, many parents have welcomed the removal of what they saw as an artificial restriction on their choice. On balance, it is preferable to have an open system in which all school applications are considered on an equal basis, rather than one that depends critically on residence within a particular local authority area. To put it bluntly, local authority boundaries should not be given preference over the interests of parents and their children. Under our proposals, those interests will be put first.

By removing a purely administrative criterion, the Greenwich judgment has opened up opportunities for parents and children. For example, it removes a barrier to children going to more distant schools that perhaps have a specialism and could best meet the educational needs of that youngster. Most significantly, in some cases it means that children can go to more local schools, which just happen to be over the road in another LEA area. We must recognise that many schools are situated close to LEA borders. In such situations, it cannot be right for children to be refused a place at their local school simply because they live on the wrong side of a line drawn for purely administrative purposes.

Cross-border movement works both ways. Local education authorities import and export. Bringing down an iron curtain, as a return to the situation before Greenwich would do, would disfranchise hundreds of parents in many local authority areas. However, the status quo is not good enough. There has to be change because of the flaws in the present system, which have been identified and about which we heard most recently from the hon. Members for Twickenham and for Richmond Park.

The School Standards and Framework Bill provides the opportunity to overcome many of the difficulties at present being experienced. We shall give an additional responsibility to individual LEAs to plan the places in their locality, devolving power to local levels so that they can more readily respond to the needs of local people, and parents in particular. The proposals in the Bill will overcome many of the difficulties that exist at present.

The hon. Member for Twickenham referred to funding. Many of us have real concerns—we can hear parents or perhaps grandparents on the doorstep, asking, "Why am I paying more in my council tax bills when we are providing education for children across the border in authorities with lower bills?" That is an important point and one that we should not ignore. It would not be right to go back to the days of mandatory recoupment, when there was a paperchase and local authorities invested literally thousands of pounds to chase up and identify where a child had gone for his or her education. That would not be an efficient use of public money.

It is best to deal with the problem through the standard spending assessment system. We are in the middle of a wide-ranging review of education SSAs. Most of us recognise that the present system is flawed and needs to change generally. If LEAs feel that particular difficulties are being caused by the Greenwich judgment and have specific proposals for changing the education SSA formula in some way, I should be happy to consider such suggestions alongside the other options for change that we are considering.

The Government are acutely aware of the concerns of hon. Members, parents and LEAs about the Greenwich judgment. It is important that the judgment is not used as a ready-made excuse for all the difficulties that may be thrown up during an admissions round. The challenge that the Government face is to provide for parental preference with a fair, open and transparent admissions framework. In our view, the School Standards and Framework Bill will do that. Perhaps most important, it will allow us to raise standards in schools across the country, so that all parents will have access to a school that meets their needs for a high-quality education, thereby offering their children the best possible start in life.

Health and Safety Representatives

1.29 pm

Mr. Ian Stewart (Eccles): First, I must declare an interest as a lifelong trade unionist—in my previous job as the north-west regional official of the Transport and General Workers Union, health and safety ranked as my greatest interest alongside job security.

Twenty-four years ago, the Labour Government enacted the most important piece of health and safety law—the Health and Safety at Work, etc. Act 1974. For the first time, all those who worked for a living, with the notable exception of domestic servants—to this day, I cannot understand why they were excluded—were covered by health and safety law. It is timely, under the new Labour Government, briefly to review the success and limitations of that Act.

At first glance, the Act seems to have been a success. In 1974, there were 479 workplace deaths, 161 of which were in construction. By 1996–97, the figure had fallen to 302, 98 of which were in construction. However, that figure represented a rise in workplace deaths from the previous year, when there were 258 deaths, of which 82 were in construction. In agriculture, the death rate has increased by 40 per cent.—from 45 in 1995–96 to 63, eight of which were children. That means that there is more than one death a week.

The director general of the Health and Safety Executive called the recent rise a tragic blip. That sounds like the less-than-sensitive defence of an administrator with too few resources for the job. We do not know how the families and friends of those who died feel, but we know from many HSE studies over the past 20 years that most of the deaths were preventable, which means that they were not true accidents—they were not unforeseen events. The HSE studies also show that, in about 70 per cent. of those cases, positive management action could have prevented the deaths. The relatives and friends of those killed could quite properly have asked the HSE why the deaths were not prevented.

In addition to those largely preventable deaths, 50,000 major injuries were reported to the HSE in 1996–97. When the HSE annual report for 1996–97 was launched in November 1997, the Institute of Employment Rights released figures showing that, of the 50,000 major injuries, only 2,158—4 per cent.—were investigated. However, in 1995–96, 12 per cent. of cases were investigated, and, in 1994–95, 15 per cent. of cases were investigated.

As a more specific illustration, in 1996–97, only six of the 100 blindings—6 per cent.—were investigated. Again, in 1995–96, 26 per cent. of such cases were investigated, and, in 1994–95, 35 per cent. of them were investigated. In 1996–97, only 297 of the 1,158 amputations—25 per cent.—were investigated, whereas, in 1995–96, 42 per cent. of amputations were investigated and, in 1994–95, the figure was 48 per cent.

Although the number of investigations in 1994–95 was nothing to cheer about, the decline in investigations in recent years is alarming. The figures for deaths and serious accidents are bad enough, but the figures on workplace ill health are also worrying. A few weeks ago, the HSE released the results of the 1995 household survey on work-related illness. More than 2 million people—one in 10 of the working population—felt that their health had been damaged or made worse by their work. The major problems of self-reported workplace ill health were backache and repetitive strain injury, stress, chest disease, deafness and tinnitus, skin disease, headache or eye strain, and vibration white finger.

The HSE has admitted that about 20,000 people die from work-related illness each year. Asbestos disease alone—mainly cancer—still kills at least 3,500 people each year, which is more than are killed on the roads. However, the number of road deaths is falling, whereas, according to HSE-funded research carried out by Professor Julian Peto, asbestos deaths will increase for the next 30 years in the United Kingdom—from 5,000 per year now to 10,000 per year in 2025.

Asbestos was first described as an evil dust 100 years ago in the 1898 report to Parliament of Her Majesty's Chief Inspector of Factories. Members of Parliament know something about asbestos, as, in 1978, most of the asbestos in Parliament was removed in a major operation. The new Labour Government promised an asbestos ban in a debate in the House in June 1997, soon after they were elected—we have yet to deliver on that promise. Ten other European countries—including France as recently as 1996—have banned asbestos. Are we to be the last after Greece?

A major reason for the failure to prevent workplace deaths, illnesses and ill health has been the low prosecution rate, and the pathetic fines for breaking the criminal law on health and safety. In 1996–97, the HSE secured 1,052 convictions, whereas, in 1995–96, it secured 1,451—a fall of almost a third. The average fine for those serious offences—the HSE prosecutes only in serious offences—was £5,421. If the seven largest fines of between £100,000 and £500,000 are subtracted, the average falls to only £3,266.

Alan Dalton, the health and safety co-ordinator of the Transport and General Workers Union, which represents some 25,000 farm workers, had to pay the HSE £75 to find out that the HSE brought prosecutions in only two of the 63 farm deaths last year, and that the average fine in those two cases was only £2,500. Surely farmers will not take seriously their responsibility for work-related deaths if the sanctions are so pathetic. I do not think that £3,000 will deter any employer, however small, from breaking the health and safety law.

I know that, in the June 1997 debate that I mentioned, the Minister responsible for health and safety, my hon. Friend the Member for Wallasey (Angela Eagle), expressed concern about the low fines for health and safety offences. Moreover, the Lord Chancellor has urged magistrates to deal with breaches of health and safety law more seriously. He recently told the Magistrates Association that people injured as a result of health and safety offences were victims no less than if they had been assaulted. He called on magistrates to fine more heavily.

What can be done to make the Health and Safety at Work, etc. Act 1974 more effective in preventing workplace deaths, ill health and disease? The HSE was subject to deregulation, constant attack and seven demoralising reorganisations by the previous Government, and it needs more support and funding, as soon as economically possible. That will allow more inspections and prosecutions to take place.

It cannot be right or safe that each of the 750 companies licensed to remove asbestos received on average less than one site visit from an HSE inspector in the whole of 1995; but an increase in health and safety inspectors, more and larger fines and more imprisonments, although welcome, will not be enough on their own. A health and safety inspector from the HSE cannot be in a workplace week in and week out.

The answer lies with more employee participation and awareness about health and safety, and, crucially, the role of trade union safety representatives. Even with whistleblower protection rights, many part-time employees on short-term contracts in small workplaces, who are getting older or who are simply too frightened of losing their jobs, will not complain to their employer or to the HSE about hazardous workplaces.

For that and other reasons, the previous Labour Government introduced the ground-breaking Safety Representatives and Safety Committees Regulations 1977, providing for the appointment of trade union safety reps where trade unions are recognised by the employer for negotiating on other matters such as wages, sick pay, holidays, pensions and discipline.

Trade union safety reps have the legal right to workplace inspection at least four times a year; to inspection after accidents or ill health; to set up joint management and union safety committees; to see health and safety information; to independent training; and to paid time off to exercise those rights. Those are rights, not duties. Health and safety reps monitor employers' actions; they do not substitute for them.

There are now about 200,000 trade union safety reps throughout public and private industry and services in the United Kingdom: an excellent achievement in itself. The HSE under the previous Government cited 1995 research by Reilly, Paci and Holl that showed that trade union safety reps could reduce injury rates in industry by a third.

After 20 years, the safety reps regulations are clearly due for review. The trade unions report problems with getting time off to carry out their duties—especially in the public sector, where little staff cover is available—and with gaining information and getting employers to act on risk assessment.

The Transport and General Workers Union has called for safety reps' rights to be extended from only health and safety to environmental issues, which are a growing area of concern for both unions and management. There is an even bigger, and growing, problem with trade union safety reps: they can exist only where the employer recognises the union, but, by 1993, 10.7 million of the 21.3 million employees in this country worked in units where trade unions were not recognised for collective bargaining, so 50 per cent. of the work force do not have the right to representation by trade union safety reps.

It can be no accident, if hon. Members will excuse the pun, that workplaces with the highest rates of death, injury and illness—agriculture, construction and small and medium enterprises—are those in which trade union recognition is lowest, or even, as in agriculture, non-existent.

Even with the proposed new guidance on union recognition, it is clear that the growth area of the economy—the smaller workplaces, where most people work—will be excluded from the requirements. One answer is the concept of the roving safety rep. Since 1974, roving safety reps have been working successfully in Sweden, where about 1,500 of them represent 700,000 employees in 170,000 workplaces. The reps are not employees of the workplaces they inspect and provide advice for, but the trade union employing them must have at least one member in the company or workplace that they intend to visit.

In 1995, Swedish roving safety reps undertook 65,000 workplace visits—on average, each rep was responsible for 250 workplaces—and Swedish employers paid £5.5 million, or two thirds of the cost of the scheme, with the unions paying the other third. The cost to a workplace of each rep was about £50, with a site visit costing about £140.

In 1996–97, the agricultural section of the TGWU, with the help of a European Union grant, piloted a UK roving safety reps scheme in agriculture, based on the Swedish model, and 10 T and G agricultural safety reps were trained. In 1997, the HSE funded an independent evaluation of the scheme by Dr. David Walters of South Bank university, who found that the scheme had some success but lacked two vital factors: the right of access to farms, and adequate funding for training, time off and support to the roving reps.

There was total employer hostility to the project, from the National Farmers Union, despite the 40 per cent. rise in farm deaths. In February 1996, in a debate on agriculture, health and safety in another place, the Conservative agriculture spokesman, Lord Lucas, said:

"The noble Baroness, Lady Turner, mentioned the TGWU roving safety representative scheme. That has had active HSE support from the start and will continue to have it. It is an excellent example of what unions can do and something of which the unions should be thoroughly proud."—[*Official Report, House of Lords*, 6 February 1996; Vol. 569, c. 194.]

In January 1998, T and G representatives met the Minister responsible, my hon. Friend the Member for Wallasey, to ask for the roving safety representatives scheme to be formally recognised. They pointed out that the principle of roving safety reps already exists in regulation 8 of the Safety Representatives and Safety Committees Regulations 1977, concerning cases in which representatives need not be employees. That allows for the appointment of non-employee safety reps by the actors' union, British Equity, and by the Musicians Union.

The most recent major law on safety was introduced by the Labour Government in 1974. Although the Health and Safety at Work, etc. Act is still fundamentally sound, it awaits effective enforcement by means of fines and imprisonment to match the crime of workplace death, serious injury and ill health. More workplace inspectors and inspections are required, but the real advances will be made by the involvement of all working people collectively in improving their own workplace environment, which is an aim of our Government.

Some improvements are still required in the rights of traditional union safety representatives, who exist only where trade unions are recognised by the employer. They need time off and rights on environmental questions. The concept of roving safety representatives is vital for the half of the work force for which there is no trade union recognition. That is the growth area of the economy, and more accidents, injuries and ill health occur in it, especially in agriculture, construction and small and medium enterprises.

[Mr. Ian Stewart]

The rapid implementation in the UK and the rest of Europe of a scheme such as the T and G's pilot based on the Swedish model would do as much to raise awareness and reduce death, injury and ill health in the workplace as the 1974 Act has done. It would be a lasting memorial to the many thousands of people needlessly killed at work in the UK during the past 20 years. It would be wonderful if the new Labour Government could save lives and give safer working environments to the working people of the United Kingdom.

1.49 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Glenda Jackson): I congratulate my hon. Friend the Member for Eccles (Mr. Stewart) on raising a debate whose importance was underlined by his chilling litany of statistics. My right hon. Friend the Minister for the Environment will tomorrow launch important new guidance supporting the offshore version of the Safety Representatives and Safety Committees Regulations, so my hon. Friend's debate is fortuitously timed.

Employees and the public have a fundamental right to acceptable standards of health and safety protection. A healthy, well-protected work force is not only right, but good for business and society. The Government are determined to give health and safety at work a much higher profile than it had during 18 long years under our predecessors. We have demonstrated our commitment by providing new resources for the Health and Safety Commission and its executive. An extra £4.5 million has been allocated in this financial year to be spent on increasing the number of HSE inspectors, and therefore their enforcement activity. I know that my hon. Friend will welcome that.

My hon. Friend touched on asbestos, and I want to make it clear that our resolve to ban white asbestos remains unshakeable. We are pressing the European Union to agree a ban quickly through an amendment to the marketing and use directive. We are also contributing to understanding the science surrounding asbestos, so that we can be sure that its substitutes are safer. I am sure that my hon. Friend will agree that that is an important step.

We have freed inspectors from bureaucracy imposed by the previous Government to enable them to concentrate on their primary role of enforcing health and safety law. The cumbersome "minded to" procedure in enforcement practice was dropped on 1 April, and inspectors can now enforce the law as soon as they encounter a breach, instead of having first to put offenders on notice that that might happen later. My hon. Friend will agree that that is a step towards the higher standards that we all want.

We are particularly concerned to get the message across to employers that accidents at work and occupational ill health are neither inevitable nor acceptable. A strengthened HSE is only part of our approach, and we are doing more to prompt higher standards. Breaches of health and safety law should carry tougher penalties, as my hon. Friend said. He rightly pointed out that fines for health and safety offences currently average about £2,500, and fines are often derisory, seeming not to reflect the seriousness of offences. We have begun discussions with the Lord Chancellor and the Home Secretary on the options available to address that problem. We want penalties to fit the crime, and to act as a deterrent to health and safety law breakers.

We need to create a culture that includes all those with an interest in reducing the toll of accidents and ill health. An approach based on partnership between employers and workers is in everyone's interest. We have seen such an approach at the European level, in our work with the Advisory Committee on Safety, Hygiene and Health Protection at Work, and at national level in the Health and Safety Commission. It can also work at company level.

If records for accidents and occupational ill health are to improve, employers need to manage health and safety effectively. To do that, they must involve their work force. A management system can succeed only if there is consultation with employees. No less than 25 years ago, the Robens committee, whose work led to the setting up of our present occupational health and safety system, identified involvement of the work force as a key factor in better self-regulation by industry. In spite of that, there has been less development and success on worker involvement than on many other aspects of the UK health and safety system.

Safety representatives have a vital role, as my hon. Friend said. Their commitment, and their experience of workplace conditions, enable them to identify potential problems where prompt action could lead to a healthier and safer workplace. It is, after all, those who do a job who know best what the hazards are. Employees, through their safety representatives, have an invaluable part to play in reducing risks in the workplace.

Safety representatives are important to the explanation of safety measures, and to securing a commitment from the work force. Safety procedures are effective only if those involved understand the reason for them; if not, procedures may all too often and all too easily be bypassed. Research carried out a few years ago, using data from the workplace industrial relations survey, showed that workplaces with trade union-appointed safety representatives and committees have up to 50 per cent. fewer injuries than those in which there was no consultation on health and safety.

In recent years, the role of safety representatives has been greatly undervalued, and we intend to redress that. My right hon. Friend the Minister for the Environment will hold regular meetings with safety representatives, which illustrates the value we place on their experience and views. As my hon. Friend pointed out, trade unions can offer safety representatives considerable support, such as training courses, information about workplace hazards and safety systems, and in some cases a national structure able to give advice on particular issues. That helps representatives to take an informed, independent role in health and safety issues. I hope that trade unions will appoint safety representatives wherever possible.

The regulations that give trade unions the right to appoint safety representatives are more than 20 years old. Over the past 20 years, the UK has moved away from being predominantly based in manufacturing and construction industries with highly unionised work forces; the service sector now provides 70 per cent. of

employment, and workers, especially outside the public sector, are less unionised. Often, they work part time or are self-employed.

Employers who do not recognise trade unions must by law consult employees on health and safety, directly or through elected representatives. The regulations that introduced that requirement have been in force for less than two years, and it is not yet clear how well they are working. Aspects may need to be reviewed, and the Health and Safety Executive plans to commission research this year to examine awareness of the 1996 regulations and their impact.

My right hon. Friend the Minister for the Environment will launch new revised guidance tomorrow in support of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989. That guidance was developed following research by Aberdeen university into the working of the regulations. The study confirmed that the regulations were working well, and that problem areas would be best addressed by strengthened guidance. Revised guidance will play an important part in ensuring that safety representatives offshore are able to fulfil their vital role effectively.

In too many workplaces, employers no longer recognise trade unions. The Government seek to create a fresh approach to industrial relations based on partnership rather than conflict, and that will benefit employees as well as improving competitive performance. We will soon publish a White Paper on fairness at work, containing a framework for a new era of employment relations based on decent standards and partnership.

Arrangements for health and safety consultation must be reviewed. The justification for variations in the law on consultation, such as differences in functions of union and non-union safety representatives, will need to be examined. The review will also consider ways to enhance the role of safety representatives, and whether steps can be taken to improve the effectiveness of consultation. I expect the Health and Safety Commission to carry out that work. My hon. Friend raised a number of interesting ideas, and I will ensure that they are considered in the review.

The review will need to cover roving safety representatives, a point forcibly made by my hon. Friend. I know that the Transport and General Workers Union recently carried out a pilot scheme on roving representatives in agriculture, and the lessons of that will help the review. Industry initiatives supported by employers and employees can help to improve health and safety standards. The practical implications of any proposed change to the law need to be carefully considered, however, and we intend to do that.

It is important that safety representatives should be given appropriate support by enforcing authorities. The HSE will take several initiatives to promote employee involvement, particularly relating to the role of safety representatives. The HSE's guidance to its inspectors on contacting employees or representatives has recently been revised—

It being Two o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Sitting suspended, pursuant to Standing Order No. 10 (Wednesday sittings), till half-past Two o'clock.

PRIVATE BUSINESS

LLOYDS TSB BILL [*Lords*]

Order for Third Reading read.

To be read the Third time tomorrow.

Oral Answers to Questions

WALES

The Secretary of State was asked—

Llanelli/Dinefwr NHS Trust

1. **Mr. Denzil Davies** (Llanelli): How many representations he has received to date about his proposal to abolish Llanelli/Dinefwr NHS trust. [41413]

The Parliamentary Under-Secretary of State for Wales (Mr. Win Griffiths): My right hon. Friend the Secretary of State and I have received almost 2,500 pre-printed letters on this subject, as well as several petitions containing approximately 12,000 signatures. We have also held meetings to discuss the matter with hon. Members and others.

Mr. Davies: There has been much talk of consultation on the proposals. How does my hon. Friend propose to consult the citizens of Llanelli, who use the trust's services, and are satisfied with them? Perhaps we may look forward to a focus group or two—or a citizens jury, even—or perhaps we may have a one citizen, one vote referendum in Llanelli. Or is the reality that all this chatter about consultation is a charade and that the Welsh Office is determined to drive through the proposal without any regard for the views of my constituents?

Mr. Griffiths: My right hon. Friend will know that I went to Llanelli to discuss the proposals when they were still at the gestation stage. The project team is currently holding meetings throughout the area to consult people on the development of the final proposal. As a consequence of the trust reconfiguration, I expect the accident and emergency services at Prince Philip hospital to be strengthened, and the MRI scanner there to be used more effectively and efficiently. At some stage in the consultation process, I shall be happy—in addition to all the other things that we do through our representative democracy—to visit Llanelli and see whether the proposals to improve the service have people's support.

Mr. Allan Rogers (Rhondda): My hon. Friend will be aware of the extreme disquiet in the northern part of the Bro Taf area about the proposals. I thank him for meeting me and others on a number of occasions. At one of those meetings, he promised that he would let those who were critical know the composition of the group that will be set up to examine the changes. Until now, we have heard nothing. We do not know who is involved. The nurses and other people involved at that level of operation have heard nothing about the proposals that are coming forward.

Mr. Griffiths: I shall ensure that my hon. Friend and others, and certainly staff in the health service, are well aware of the work of the project team. Staff should already be well aware of it. The team's job is to make proposals which can show that the reconfiguration will benefit people living in the area.

Mr. Nigel Evans (Ribble Valley): Does the Minister agree that hardly anybody is in favour of the abolition of the trust? There have been more visits by the Lord Chancellor to B and Q than there have been sightings of people in favour of the abolition of the Llanelli/Dinefwr hospital trust.

Is it not time that the Minister started to concentrate on the health of the people of Wales? We had to wait almost four months longer for publication of the health Green Paper than did England and Scotland. Tomorrow, we expect to learn that waiting lists have increased in Wales, as they have in the rest of the United Kingdom. Would it not have been far better to divert the £686,000 wasted on the publication of the devolution proposals in Wales and the £300,000 set aside for publicising the Welsh assembly when it is established next year to front-line services to help the people of Wales to get a better health service?

Mr. Griffiths: For a start, I have visited Llanelli far more times than any Lord Chancellor has ever visited B and Q; that was about the level of the hon. Gentleman's whole question.

We have already put £9.5 million into the health service to deal with winter emergencies, which was very successful. We have another £25 million, most of which is to go towards reducing waiting lists so that, by this time next year, they will be at the very least back to the level at which they stood when we entered office, and as part of a programme to continue to reduce them. Our public health Green Paper was produced absolutely on schedule—as I promised the hon. Gentleman it would be—and was generally welcomed in Wales. The reconfiguration of trusts will produce savings to the tune of £10 million, which will be spent on patient care, so that patients in Llanelli and elsewhere in Wales will receive a far better health service.

Aerospace Industry

2. **Mr. Barry Jones** (Alyn and Deeside): If he will make a statement on the prospects for the aerospace industry in Wales. [41414]

The Secretary of State for Wales (Mr. Ron Davies): Earlier this year, the Government demonstrated their support for the aerospace industry with the grant of launch aid to British Aerospace. That public-private partnership will secure more than 2,000 jobs throughout the United Kingdom and will provide a significant boost to British Aerospace at Broughton in my hon. Friend's constituency. I am therefore confident that prospects for the industry are extremely good.

Mr. Jones: I thank my right hon. Friend, his Department and his Ministers for the support that they have given to the industry in my constituency. Does he agree that the £123 million given by the Government to Airbus in my constituency means that it looks as though the next century will be greatly successful? Does he know that my constituents working for Raytheon Jets are

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desperate for the Astor project to be won for them? Is there any way in which the Welsh Office can help in respect of the Astor project?

Mr. Davies: I shall certainly look carefully at the case my hon. Friend puts to me. When I visited the Raytheon facility with my hon. Friend, I was impressed by the attitude of both management and unions and the way in which they have come together in partnership. The partnership between management and unions at Raytheon and the public-private partnership that is largely responsible for the success of the British Aerospace project demonstrate that partnership is the way forward. I am confident that the two successes in my hon. Friend's constituency show the value of that approach. I am personally confident that it is good for my hon. Friend's constituency, good for Wales and good for Britain as a whole.

Mr. John Wilkinson (Ruislip-Northwood): In addition to the good news about launch aid for the A340 500 and 600 aircraft in Broughton in north Wales, in the constituency of the hon. Member for Alyn and Deeside (Mr. Jones), is it not welcome news that the pre-contract agreement between British Aerospace and Boeing allocates several hundred million pounds-worth of work to British Aerospace—it is to be hoped including at Broughton—in the event of the Royal Air Force procuring the C17 heavy lifter, provided that the strategic defence review confirms that procurement?

Mr. Davies: Military procurement is a matter for my right hon. Friend the Secretary of State for Defence, but I am conscious that the hon. Gentleman has shown a close interest in the project and I am grateful for his support this afternoon.

EU Structural Funds

3. **Mr. Ieuan Wyn Jones** (Ynys Môn): What representations he has received on the future of European structural funds for Wales. [41415]

The Parliamentary Under-Secretary of State for Wales (Mr. Peter Hain): We have received numerous representations stressing the importance of structural funds for Wales.

Mr. Jones: Does the Minister recognise that, unless something happens very quickly, Wales could well be at the back of the queue when up to £1 billion of objective 1 money is secured? Does he realise that, with the Chancellor and the Foreign Secretary battling for Scotland, and the DTI battling for South Yorkshire, Merseyside and Cornwall, Wales could lose out altogether? What assurances can he give that Wales will not lose out? The credibility of the Welsh Office is at stake on this matter.

Mr. Hain: I do not recognise any of the points made by the hon. Gentleman. I put it to him, in the friendliest possible fashion, that he should be working with the Welsh Office. The Secretary of State has met Commissioner Wulf-Mathies twice; I have met her once. We have made all possible representations throughout the system. Wales's case is well recognised and understood, specifically in terms of NUTS 2 areas and generally in terms of low GDP within Europe. The hon. Gentleman's time would be better spent supporting the Welsh Office in what could be very difficult negotiations with the European Union.

Mr. Ted Rowlands (Merthyr Tydfil and Rhymney): Can my hon. Friend confirm press reports that he and fellow Ministers are deciding to adjust the assisted area status map in Wales as part and parcel of the case that he will make to Europe? If so, has he any assurance from Europe that, if such adjustments were made, we would obtain objective 1 status?

Mr. Hain: As my hon. Friend knows, the assisted area status question is separate from—although parallel with—the question of structural funds and NUTS 2 boundaries. We are reviewing the entire situation. I do not believe that the press reports that my hon. Friend mentions are accurate, but we are considering the best way of reconfiguring the assisted area map to ensure that Wales achieves the maximum benefit.

Mr. Michael Ancram (Devizes): Can the Minister confirm that any adjustment to the assisted area status map could have a beneficial effect on applications for objective 1 status for other parts of Wales? Does he accept that Conservative Members are very keen for Europe to give proper support to the most hard-pressed parts of Wales? Can he assure the House, however, that, in anything that he does, he will not risk giving up existing assistance without a categorical assurance that he will receive from Europe a balancing assistance in return; that he is not risking throwing out the baby with the bath water; and that, ultimately, Wales will end up better off overall?

Mr. Hain: For once, I welcome the right hon. Gentleman's constructive question on this matter, because he is obviously as aware as Ministers in the Welsh Office of the delicate balance that must be achieved. We do not want Wales to lose out in any way, but we want to ensure that such aid as can be attracted in is focused on those areas, not neglecting the valleys or west Wales, which suffered very badly under the Conservative Government of which the right hon. Gentleman was a member.

Trunk Roads

5. **Mr. Owen Paterson** (North Shropshire): What plans he has to improve trunk roads linking north and south Wales. [41417]

The Parliamentary Under-Secretary of State for Wales (Mr. Peter Hain): Improvements are needed, and these will be addressed in our review of the Welsh trunk roads programme.

Mr. Paterson: The A483–A5 road, south through Ruabon on to Shrewsbury, is the main link between north-east Wales and south Wales. It is currently single carriageway; it is subject to frequent accidents and delays. In the past five years, 25 people have been killed on that road. What plans does the Minister have to upgrade the Welsh stretch to dual carriageway? What discussions has he had with his English counterparts? Given the Secretary

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of State's stated enthusiasm for the PFI initiative yesterday in the Select Committee on Welsh Affairs, has he discussed that means of finance to speed up the project?

Mr. Hain: The previous Conservative Government, whom the hon. Gentleman supported, had 18 years to solve these problems, but I recognise the point that he raises. Indeed, I believe that, word for word, it is the point that he made a couple of weeks ago, when he served his apprenticeship to the boy Nigel in the Welsh Grand Committee in Carmarthen. I answered it then as I answer it now: we recognise that the problem exists, and we shall do our best to solve it.

Mr. David Hanson (Delyn): Does my hon. Friend agree that one of the best ways to improve road transport between north and south Wales is to take steps to remove cars and lorries from those roads? What steps can my hon. Friend take to ensure that transport links between north and south do not depend on roads alone, and, with other Departments, help to improve rail and air transport links, which are far more environmentally friendly?

Mr. Hain: My hon. Friend expresses the position exactly as I see it. The A470 and A483 clearly need to be upgraded to improve north-south links, but the priority for the moment must be to establish—I am working on this actively—better air and rail links, because those are the areas of public transport policy which will enable us to address what is otherwise a difficult problem.

Mr. Richard Livsey (Brecon and Radnorshire): Will the Minister take note of representations that I know he has received about the A483 on the boundary of my constituency with that of Montgomery? That important road is not even of trunk-road width and the planned improvements to it will not be completed for 12 months. Will the Minister do something to enable that work to be started much sooner so that we have a more effective north-south link?

Mr. Hain: I shall certainly consider the hon. Gentleman's point again. My right hon. Friend the Secretary of State tells me that, if the hon. Gentleman drives slowly at that point in mid-Wales, he may see red kites, which are of great interest to people in Wales generally.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): As the Minister has just said that it is important to upgrade the A470, why has he apparently shelved phase 2 of the Blaenau Ffestiniog to Betws-y-Coed road improvement scheme? I am grateful for the first phase, but without the second phase it is nonsense. If the hon. Gentleman is serious about upgrading the A470, this is a priority, and I ask him for a positive response.

Mr. Hain: The hon. Gentleman has identified a clear problem which is well recognised in the Welsh Office. Will he await the outcome of the roads review to see what progress we can make on the matter?

Social Exclusion

6. **Mr. Martin Caton** (Gower): If he will make a statement on his plans for tackling social exclusion in Wales. [41418]

The Parliamentary Under-Secretary of State for Wales (Mr. Win Griffiths): I announced on 1 May, the anniversary of our great election victory, a new social exclusion programme for Wales. The programme will tackle social exclusion in Wales through co-ordinated action to promote community development in six or more communities.

Mr. Caton: Does my hon. Friend agree that one of the priorities in tackling social exclusion in Wales must be to deal with the problem of street homelessness? Can he assure me that, in tackling that problem, he is prepared to learn from best practice in other parts of the United Kingdom and, in particular, from the way in which the rough sleepers initiative has been implemented in England and Scotland?

Mr. Griffiths: I can assure my hon. Friend that we want to ensure that we have the best practice in community development to regenerate our deprived communities and, where homelessness is a serious problem, I shall certainly want to see it included in the projects that we approve.

Mr. Michael Ancram (Devizes): Does the Minister think that his social exclusion policy is working for farmers and others in rural Wales? Does he not realise that, month by month, the agriculture crisis is becoming worse; that the need for direct assistance for farmers and farm workers is becoming greater; and that, while he and the Secretary of State mouth platitudes and blame everyone but themselves, Welsh farming is quietly starving to death? Does he appreciate that, despite our holding the European presidency, Welsh agriculture has gained nothing from Europe, and the incomes of some Welsh farmers are now 83 per cent. lower than they were last year? Has the time not come to stop giving us complacent soundbites and do something for the hard-pressed people of rural Wales?

Mr. Griffiths: It is about time that the right hon. Gentleman took the matter seriously rather than seeking soundbites from it. In homing in on the figure of 83 per cent, he knows that he is exaggerating. Total farm income—we accept the seriousness of the position—has gone down by 43 per cent., which is rather less than the figure that he has given.

Mr. Bernard Jenkin (North Essex): So that's all right, is it?

Mr. Griffiths: It is not all right, but let us deal with the problem in a serious fashion, not by soundbites. We have already provided some £155 million extra in England and Wales, which would not have been provided under Tory spending plans. We are already researching into beef and lamb to improve the quality of Welsh products. We predict that during the next decade Welsh farming will be in a far stronger position than that in which it was left by the previous Conservative Government, who caused BSE, the root of our present problems.

Mr. Michael Clapham (Barnsley, West and Penistone): In the context of tackling social exclusion in Wales, will my hon. Friend initiate an Industrial Injuries

Advisory Council study to find out whether there is recent research showing that those suffering from respiratory diseases include slate quarrymen, so that slate quarrymen may be covered by the PD12 provisions for chronic bronchitis and emphysema?

Mr. Griffiths: My hon. Friend raises a serious matter, which would probably not come within the social exclusion programme, but my right hon. Friend is discussing it with my right hon. Friend the Secretary of State for Social Security.

Parliamentary Representation

7. **Mr. Andrew Robathan** (Blaby): What representations he has received regarding the number of hon. Members representing Welsh constituencies. [41419]

The Secretary of State for Wales (Mr. Ron Davies): Fewer than a dozen.

Mr. Robathan: Given that the Government are determined to foist on Wales an assembly which only one in four of the people wanted, will the Secretary of State take action to ensure that the over-representation of Wales in this House is reduced? He knows that there are 40 Welsh Members whereas according to English criteria there should be 32. Will he take action to reduce that over-representation?

Mr. Davies: No, I will not. The basis of the representation of Welsh constituencies in the House was determined in 1944 by a Speaker's Commission. There are no proposals to change that. When we debated the Government of Wales Bill, there were no such proposals from the hon. Gentleman or from the right hon. Member for Devizes (Mr. Ancram). The assembly that we propose, and for which the people of Wales voted on 18 September, does not have any legislative function: accordingly, there is no case to be made for the number of Welsh Members of Parliament to be reduced.

Mr. Huw Edwards (Monmouth): Does my right hon. Friend share my concern that, in 70 years, there have been only seven women Members of Parliament from Wales? Will he join me in congratulating the Wales Labour party, which last Saturday decided to introduce a system of twinning by constituencies to ensure that there is fair representation of women and men in the Welsh assembly?

Mr. Davies: I am anxious to ensure that the Welsh assembly is representative of the whole of our society in Wales. It is therefore important that we ensure that women are properly represented. Positive discrimination, as my hon. Friend knows, is a difficult matter. My party resolved on Saturday to adopt the policy of twinning, which now has my whole-hearted support. I look forward to my colleagues in the Labour party in Wales working vigorously to implement that policy so that we have fair representation in the assembly.

Unemployment

8. **Mr. Dafydd Wigley** (Caernarfon): If he will make a statement on the level of unemployment in Wales. [41420]

The Parliamentary Under-Secretary of State for Wales (Mr. Peter Hain): According to the labour force survey, in the period January to March 1998 unadjusted unemployment in Wales was 97,000, a rate of 7.5 per cent.

Mr. Wigley: Does the Minister accept that there is still a wide divide between the unemployment levels in the eastern part of Wales and in the western part and the old coalfield areas? Does not that underline the need for that area to be accepted as a NUTS 2 area for regional planning, particularly in the European context? That being so, why was it possible for the Office for National Statistics to have a map for Cornwall out in Eurostat on 30 June last year, but no map for Wales? Who in London is standing between Wales and Europe to stop us getting that map in?

Mr. Hain: The right hon. Gentleman's point about the plight of west Wales in terms of joblessness, low gross domestic product and many other economic indicators is well understood by the entire Government. That is why the case put forward by the Welsh Office for west Wales and the valleys to be a NUTS 2 classified area is being pressed vigorously. I ask him and all other Welsh Members to support us in that endeavour.

Mr. Donald Anderson (Swansea, East): Since the glorious 1 May last year, Welsh Office Ministers have made welcome promises about reducing the imbalance between south-east Wales and south-west Wales. May I gently remind my hon. Friend that we are still waiting for a change in practice?

Mr. Hain: My hon. Friend makes a strong point and, as a fellow south-west Wales Member, I understand it very well. That is why we are pressing hard to get the maximum amount of investment, inward and otherwise, into west Wales. We shall continue to do that, but we cannot turn around immediately the dreadful legacy of neglect of west Wales that the Conservatives bequeathed us. We are doing our best to tackle that appalling legacy.

Miss Anne McIntosh (Vale of York): Does the Minister agree that European Union structural funds have a role to play in reducing unemployment in Wales? Does he therefore share my regret that there are serious delays in those European Union funds being released and spent in Wales?

Mr. Hain: The situation is far more complicated than that, and, if the hon. Lady were a Welsh Member of Parliament, she would recognise that fact.

Freight Transport

9. **Mr. John Smith** (Vale of Glamorgan): If he will make a statement on the freight transport strategy for Wales. [41421]

The Secretary of State for Wales (Mr. Ron Davies): My hon. Friend will be aware that, on Monday this week, I announced plans for a £15 million European rail freight terminal at Wentlooge, which will open in 1999. It is a very exciting project, which will bring huge benefits to the economy and the environment of Wales. It is a major

step forward in the Government's encouragement of rail freight instead of road freight. The Government will shortly publish a United Kingdom transport White Paper setting out our integrated transport policies, including further measures to encourage and develop freight transport. At around the same time, I will publish a complementary transport policy statement for Wales, which will reflect the particular circumstances and transport needs in Wales.

Mr. Smith: I am grateful for that reply. Will my right hon. Friend join me in welcoming the announcement this week of a rail freight terminal in Cardiff that will serve to make Wales one of the most attractive investment locations in Europe by providing direct rail freight access to the largest consumer market in the world? Will he contrast his decision, which was taken one year into a new Labour Government, with the actions of his predecessors, the Tory Secretaries of State, who prevaricated and damagingly delayed the decision—and especially the lamentable Leader of the Opposition who is still damaging our business and trading relationships with Europe?

Mr. Davies: I am far too modest to claim personal credit for the project, but I can recall two years ago pressing the then Secretary of State for Wales, the right hon. Member for Richmond, Yorks (Mr. Hague), to pull his finger out and get on with the job. He failed to do so, but I am delighted to say that this is yet another resounding success for the new Labour Government.

Farming

10. **Mr. Tim Collins** (Westmorland and Lonsdale): What representations he has received concerning assistance for farming in Wales. [41422]

The Parliamentary Under-Secretary of State for Wales (Mr. Win Griffiths): My right hon. Friend and I have received considerable numbers of representations, both written and oral, in respect of the condition of Welsh agriculture since the start of the crisis, and we continue to do so.

Mr. Collins: Now that the Minister has been in charge of Welsh agriculture for more than a year, during which time it has endured probably its worst 12 months for half a century, will he review his policies and actually do something for Welsh farmers?

Mr. Griffiths: We have already done a lot for Welsh farmers. They have received more than £12 million from the agrimoney compensation scheme and £70 million has gone into the cattle traceability and specified risk material regulations in order to give consumers confidence in British beef, and in Welsh beef in particular. We have initiated a research programme for lamb and beef to help raise the quality of both products. We are promoting a very strong food strategy to give Welsh farmers confidence in the future, and I am sure that, before our term has ended, we will have taken considerable steps to revive the Welsh economy.

Ms Jackie Lawrence (Preseli Pembrokeshire): Does my hon. Friend agree that the hon. Member for Westmorland and Lonsdale (Mr. Collins) has a very short memory if he has forgotten that Welsh agriculture is in a mess primarily because of the BSE crisis, which the Conservatives ignored and which the present Secretary of State for Wales was first to bring to their attention? Bearing in mind the fact that a document about the crisis in Welsh agriculture was published today, will my hon. Friend support calls for the Office of Fair Trading to investigate the role of supermarkets in the supply chain and the vertical restraints within it?

Mr. Griffiths: I assure my hon. Friend that we shall examine carefully all the recommendations from the Select Committee on Welsh Affairs. We know that the Committee took a great deal of evidence, which gave it cause for concern, about the way in which the market works. We shall be prepared to discuss those matters with other Departments to try to ensure that we have the best response possible.

Mr. Michael Fabricant (Lichfield): Will the Minister deny that just 10 minutes ago he said that farm incomes have fallen by 43 per cent.?

Mr. Griffiths: I shall not deny it. Total farm incomes have fallen by 43 per cent.

Parc Prison (Deaths)

11. **Ann Clwyd** (Cynon Valley): If he will request the Home Office to conduct an inquiry into the recent deaths at Parc prison in Bridgend. [41423]

The Parliamentary Under-Secretary of State for Wales (Mr. Win Griffiths): I understand that the Prison Service has already made arrangements for investigations to be carried out into both the recent apparent self-inflicted deaths at Parc prison. My hon. Friend the Minister of State, Home Office with responsibilities for prisons and probation has also asked the Director General of the Prison Service for a report on the current situation at Parc prison.

Ann Clwyd: I thank my hon. Friend for that answer. However, may I tell him of my concern? One of my constituents is believed to have committed suicide at Parc prison last year. There has still not been an inquest seven months later. Given the criticisms made by the Public Accounts Committee of Parc prison—understaffing, a lack of specialist staff and the fact that Wales has more overcrowded prisons than most parts of Britain—will my hon. Friend give this matter his urgent attention?

Mr. Griffiths: My hon. Friend will know that Parc prison is in my constituency. I can reassure her that I pursued all the matters that she has raised as constituency questions and that the Prison Service and the Minister with responsibilities for prisons are also taking steps to deal with issues relating to suicide in general.

PRIME MINISTER

The Prime Minister was asked—

Unemployment (European Union)

Q1. [41393] **Sir Teddy Taylor** (Rochford and Southend, East): If he will raise at the next meeting of the European Council the level of unemployment in the EU.

The Prime Minister (Mr. Tony Blair): Before answering the question, let me say that I gather, Madam Speaker, that today is your anniversary of 25 years as a Member of Parliament. On behalf of the whole House, congratulations.

Promoting employment and tackling unemployment are key features of our presidency and will be a major focus of our discussions at the Cardiff European Council in June.

Sir Teddy Taylor: Do not the horrific levels of unemployment in the European Union of more than 15 million in each of the past six years—it is now 10 per cent. compared with 4.6 per cent. in America and 3.6 per cent. in Japan—show that the EU and its policies are not a recipe for job creation? As every previous currency experiment in the world has ended up in disaster and more unemployment—*[Interruption]*—yes, they have, and that is a fact—could the Prime Minister at least give the people of Britain an assurance that, if they opt against the euro clearly and decisively in the referendum, he will honour his pledge and look for a new arrangement with Europe rather than bringing forward a repeat referendum?

The Prime Minister: On the last point, we are not actually at the stage of having a referendum yet. I should not want to bind the hands of a future Parliament. On the hon. Gentleman's first point, I simply say to him that I believe that there needs to be economic reform in Europe. That is one of the reasons why we put this on the agenda for the Cardiff European Council. I also point out that there are a variety of levels of unemployment in Europe. Some of the countries that want to join monetary union have lower levels of unemployment than we do.

I understand the hon. Gentleman's position on monetary union, but it is a position that is against monetary union whatever the economic consequences. The truth of the matter is that, after yesterday's speech, the Leader of the Opposition has joined with the hon. Gentleman and his shadow Secretary of State for Trade and Industry against the former Chancellor of the Exchequer. I think that that is an interesting decision.

Engagements

Q2. [41394] **Mr. Rhodri Morgan** (Cardiff, West): If he will list his official engagements for Wednesday 20 May.

The Prime Minister: Today, I had meetings with Ministers and others. In addition to my duties in the House, I shall be having further such meetings later today. Later today, I shall be visiting Northern Ireland to assist efforts in bringing about a decisive yes vote in Friday's referendum, which I believe to be the only result that can offer peace and stability in the future.

Mr. Morgan: With the Scotland Bill having received Third Reading last night and with democratic devolution therefore certain to be a reality in Scotland and Wales next summer, cannot the benefits of constitutional change in the United Kingdom be kept going in its momentum if the land of St. Patrick joins with the countries of St. David and St. Andrew by voting yes in Friday's referendum?

The Prime Minister: I agree. As I just said, a yes vote in Friday's referendum is important. After all, the agreement puts the principle of consent—no change to the constitutional status of Northern Ireland without the consent of the majority of people in Northern Ireland—right at the heart of politics in Northern Ireland and, indeed, in the Republic of Ireland, for the first time, and gives Northern Ireland, through the assembly, a chance to govern more of its own affairs directly in Northern Ireland.

Mr. William Hague (Richmond, Yorks): I second the congratulations that the Prime Minister has given to you, Madam Speaker, and support what he said about Northern Ireland.

Will the Prime Minister confirm that tomorrow's figures will show a further rise in hospital waiting lists, demonstrating the Government's complete and utter failure to meet their early pledge of reducing waiting lists?

The Prime Minister: It is correct that waiting lists are going up—[HON. MEMBERS: "Oh!"] However, we have pledged to reduce waiting lists, and reduce them we shall. We did not pledge that we would do so in our first year in office, but we have put some £2 billion more into the national health service than the previous Government, and we shall ensure that the pledge that we gave on waiting lists is put into practice before the next election.

Mr. Hague: So it is true that hospital waiting lists will rise further. Will the Prime Minister now give us the figures? Why does he not have the courage to give them? They can be leaked to national newspapers, and the Secretary of State for Health can discuss them on the radio, but the official announcement has to take place after Prime Minister's Question Time and at the beginning of a recess. The Prime Minister promised to cut waiting lists by 100,000 as an "early pledge". It is now rumoured that waiting lists are up by 130,000 since the general election. Is not the Prime Minister even a little bit embarrassed about that?

The Prime Minister: As I have just explained, we accept that waiting lists are going up, but the only way to get them back down is to put the necessary extra investment into the health service. As I explained, we have already put some £2 billion more than the figure in Conservative spending plans into the health service, and we shall put more money in over the next few years. However, that extra money will be put into the health service when it is consistent with prudent public finance to spend it. It will be put in alongside reform and change within the health service to ensure that the money—which is far in excess of what the Conservative Government put in—is spent wisely.

Mr. Hague: The Prime Minister's "early pledge" in the election did not come with all those footnotes and excuses. After more than a year in office, his excuses are beginning to wear thin. If he is not embarrassed that he has broken his promise on waiting lists, is he embarrassed

about his "early pledge" to cut class sizes? Can he confirm the rumour that figures—also to be published, surprise, surprise, tomorrow after Question Time and before the recess—will show that class sizes have risen since the general election?

The Prime Minister: As we have said, class sizes have risen since the election. They have had to, because of the spending plans that we inherited from the previous Government. Furthermore, we would have been able to get class sizes down if, for nine months, the Conservative party had not opposed the Bill to reduce class sizes by phasing out assisted places.

Mr. Hague: Not only are the Prime Minister's excuses wearing thin, but blaming somebody else is less and less convincing. He promised to cut waiting lists and they have gone up; he promised to cut class sizes and they have gone up; he promised, as an early pledge, low interest rates and low inflation, and they are now at a six-year high. Those are three of his five early pledges. Does he not wish that he gave an early pledge to bring chaos to the Foreign Office? At least one Minister would then have delivered. Does he understand that, when he called them "early pledges", people thought that he meant early in the Parliament, not early next century?

The Prime Minister: We set out those pledges and we shall meet every single one of them. Waiting lists and class sizes went up for years under the previous Government. We shall bring them back down. We have already put additional resources into health and £2.5 billion more into education. When we meet those pledges—as we shall before the next election, as we promised—I hope that the right hon. Gentleman will congratulate us.

Mr. Hague: In just one year, a man with confident early pledges has become full of meaningless waffle. The Prime Minister told the British people, "Things can only get better." The fact is that waiting lists have got worse, class sizes have got worse and inflation has got worse. Was the *Daily Mirror* right when it said that he should not be embarrassed; he should be ashamed?

The Prime Minister: No, because, as I have just pointed out to the right hon. Gentleman, under the Government of which he was a member, waiting lists and class sizes went up year on year on year. I should explain to him that waiting lists went up for the four years before we took office—I think that Conservative Members should know the facts—and class sizes went up for 10 years in a row before we took office. Despite Conservative opposition, we have got the Bill on class sizes through. From this September, 100,000 children will be taken out of higher class sizes for the first time in years, and health service waiting lists will be brought back down. When they are, we shall see what he has to say.

Mr. Eric Martlew (Carlisle): May I bring the Prime Minister back to the referendum? Is he aware that there is great interest and great concern on both sides of the Irish sea about the matter? There is a feeling on the mainland that, to an extent, people are excluded, because they cannot vote. We have supported Ulster for the past 30 years, financially and with the armed forces but, if Ulster votes no or if determined politicians in Ulster wreck the agreement, is it likely that there would be grave concern and a backlash in this country? Would it be much more difficult to carry forward the policies that we have carried forward in the past 30 years?

The Prime Minister: Obviously, I very much hope that people vote yes. I have said throughout that, even if people were to vote no, the Government of the United Kingdom would stand ready to take the matter forward in the best way that we could. Plainly, we shall have a far better chance of stability and prosperity if the agreement, which is fair and reasonable, is accepted by the people in Northern Ireland. If it is accepted by them, I hope that the politicians who are elected to the assembly have the desire and purpose to make it work for the people whom they represent.

Mr. Paddy Ashdown (Yeovil): Is it not clear that, not only here but throughout the United Kingdom and across the international community, people are wishing and willing the Northern Irish people to cast a decisive yes vote on Friday? Does the Prime Minister accept that there is work to be done to reassure some people, especially in the Unionist community? Will he confirm that the British and the Irish Governments are prepared jointly to act, very robustly, against any dissident minority group that uses violence to frustrate the expressed will of the Northern Irish people? In particular, will he confirm that anyone committing such an act after a yes vote on Friday cannot expect to receive the benefits of the provisions on prisoner release in the Good Friday agreement?

The Prime Minister: Yes, that is right on both counts. There is no question of people who are engaged in, or threatening, violence having the benefit of any part of the agreement in respect of seats in the Northern Ireland Executive or accelerated prisoner release. I have made it clear, as have the Republic of Ireland Government, that we shall take the firmest measures possible to deal with any dissident splinter groups that may carry on violence and acts of terrorism. The agreement, if it goes through the referendums in Northern Ireland and in the Republic of Ireland, will represent the settled will of the people—in Northern Ireland and in the Republic. Anyone who then goes against the agreement by using violence or terrorism can expect no let-up and no mercy from either the British or Irish Governments.

Yvette Cooper (Pontefract and Castleford): Is my right hon. Friend aware of a new report from the Centre for Economic Performance, which shows that the persistent pay gap between men and women is largely a result of the absence of family-friendly employment practices in the workplace and that, for example, access to maternity leave reduces the pay gap? Will he assure the House that family-friendly employment policies will be at the heart of the Government's fairness-at-work agenda and that Government Departments will take a lead in putting those policies into practice?

The Prime Minister: Yes, and that is in addition to three other measures that we are taking which will improve the friendliness of employment policy towards the family. The first is, obviously, child care. The second is the statutory minimum wage and the third is to ensure that part-time workers are treated as fairly and with the same rights and entitlements as full-time workers.

Ministerial Visits

Q3. [41395] **Mr. Nicholas Winterton** (Macclesfield): When he next intends to visit the Macclesfield constituency.

The Prime Minister: I have no immediate plans to do so.

Mr. Winterton: Is the Prime Minister aware that I am genuine when I ask him to come to the borough of Macclesfield, which has been Conservative controlled for decades; where, at the last local elections, we gained two seats from Labour and two from his friends, the Liberal Democrats; where the borough council and chamber of commerce recently organised a highly successful business exhibition to promote local industry and commerce; where Macclesfield Town football club, affectionately known as the blues or the silkmen, gained promotion to the second division, having come up from non-league football only the previous year; and where we are opening our own community radio station, Silk FM, on Monday? Will he come to Macclesfield to see Conservative success at work, rather than merely talking about success? I am genuine when I say that I want Macclesfield's success to be spread throughout the country. My right hon. Friend the Leader of the Opposition has accepted an invitation to come at the beginning of July.

The Prime Minister: Despite having no plans to visit Macclesfield, I now know an awful lot about it. I congratulate the hon. Gentleman on his result in the council elections. However, he will know that there was an 8.5 per cent. swing to Labour at the general election, but the truth is that neither of us did quite as well as his football team.

Engagements

Q4. [41396] **Mr. Malcolm Savidge** (Aberdeen, North): Following last week's disturbing developments in India, will the Prime Minister commit the Government to urgent and strenuous action both to discourage nuclear proliferation and to give fresh impetus to the process of multilateral nuclear disarmament?

The Prime Minister: Along with our G8 partners, we have condemned India's recent nuclear tests and urged it—and, indeed, other states in the region—to refrain from further tests and the deployment of nuclear or ballistic weapons. We have also called on India unconditionally to sign up to the comprehensive test ban treaty. It is very important that it does so.

As my hon. Friend may also know, I have spoken to the Pakistani Prime Minister within the past couple of days. I congratulate the Pakistani Government on the restraint that they have shown so far and urge them to continue to do so. I ask them also to look at the example of Brazil and Argentina, which could have gone down the road of nuclear testing, but decided not to. Nuclear testing is not the way for countries to enhance their standing in the world.

Mr. Paddy Ashdown (Yeovil): On the question of hospital waiting lists, may I remind the Prime Minister of this fact? A little over a year ago, when he was Leader of the Opposition, waiting lists in hospitals were 1.1 million and he described the NHS as "in crisis". Today, after a year of his Government, they are 1.3 million. If 1.1 million equals a crisis in the NHS, how does the Prime Minister describe 1.3 million, or is he, like the Secretary of State for Health, frankly embarrassed?

The Prime Minister: No. We recognise that waiting lists have grown, despite the extra money that we have put in. I point out that, like class sizes, waiting lists were growing for several years before we came to power. It was important, first, to put extra money into the health service, which we did. We put more money into health and education than the Liberal Democrats were asking for. However, that had to be consistent with strong control on public finances. Since the general election last year, the Liberal Democrats and the Conservative party have been asking for ever more spending on everything as well as demanding that we raise no revenue whatever. That is simply not a credible economic position.

Let me assure the right hon. Gentleman: we made the pledge and, once we have sorted out the public finances and put extra investment into the national health service, we shall meet our pledge. The people of this country trust us with the national health service that we created a great deal more than they trusted the Conservative Government who undermined it.

Mr. Andrew Mackinlay (Thurrock): Will the Prime Minister meet the Royal British Legion to discuss the problems of those in receipt of war widows' pension and war disablement pension in local authorities that do not disregard the pensions for the purposes of housing benefit? The majority of local authorities—including Sedgefield and Thurrock—under the control of all political parties, do the right thing and disregard the pensions. A minority are unfair to the recipients of those pensions and unfair to the local authorities that do the honourable and right thing. The problem requires prime ministerial intervention because attempts to remedy the wrong are being blocked. I hope that my right hon. Friend will undertake at least to consider the issue.

The Prime Minister: I am certainly happy to consider it, but my hon. Friend will know that discussions about the problem have been going on for a considerable time. It is for local authorities ultimately to make their own decisions, but we shall continue to keep the matter under review and under discussion.

Q5. [41397] **Mr. Paul Burstow** (Sutton and Cheam): Will the Prime Minister set aside the smoke and mirrors that he used to answer the question of my right hon. Friend the Member for Yeovil (Mr. Ashdown) a few moments ago and explain to my constituents how he translates an early pledge to cut waiting lists in my area into a 38 per cent. increase in the waiting lists at St. Helier hospital and a forecast of a fourfold increase, within a year, in the number of people waiting for 17 months? How can that be an early pledge that has been fulfilled when so many of my constituents will be waiting far longer under Labour?

The Prime Minister: Just on the point about the length of waiting time, let me say that there are now no 18-month

waiting times, and the number of over-12-month waiters is decreasing. On the numbers on waiting lists, the answer is to achieve both investment and reform in the national health service. As I said to the right hon. Member for Yeovil (Mr. Ashdown) a moment ago, we have spent more money on the national health service than Liberal Democrats were asking for before the election. It will take time to fulfil our pledge, but I did not say that we would do it in the first year; I said that we would implement the pledge, and we shall. As I said to the Leader of the Opposition a few moments ago, when we implement the pledge, I hope that the hon. Gentleman will be among the first on his feet to congratulate us.

Mr. Vernon Coaker (Gedling): Will the Prime Minister join me in welcoming the national child care strategy published yesterday? That document has already been warmly welcomed in my constituency. Will he also take the opportunity to encourage people to enter into the dialogue that the document recommends, so that real partnerships can exist between local people, local authorities and the Government in delivering that important policy development?

The Prime Minister: Yes. The proposals will dramatically increase the availability of child care. Indeed, with the measures already announced by my right hon. Friend the Chancellor, they will allow thousands of people who do not have access to proper child care at present to get it. That will greatly ameliorate the position of people who are trying to juggle work and family life. In addition, we have to make sure that properly qualified people are operating in child care provision, and that is one of the reasons for the announcement that we made a couple of days ago. I am pleased that it has received such a wide welcome everywhere.

Q6. [41398] **Mr. Norman Baker** (Lewes): Does the Prime Minister endorse the recent Cabinet Office report into the Government Information Service, which, in paragraph 57, encourages neutral civil servants to damp down bad news? Is that why the Department of Health is spending £86,000 on a rebuttal unit? Which does the Prime Minister think my constituents in Polegate and elsewhere would prefer: more spin doctors to explain why waiting lists are going up, or more real doctors to start getting waiting lists down?

The Prime Minister: First, as I understand it, it is not a rebuttal unit. Secondly, ultimately, we have to get extra money into the national health service to get waiting lists down. We can do that if we have prudent and proper control of public finances. As I said, since the general election, we have put £2 billion more into the health service. It will take time—of course it will—to get waiting lists, and class sizes, down. However, we shall deliver those pledges, and we shall do so after having had year upon year of a Conservative Government raising waiting lists and class sizes. When we go to the country at the next general election, people will see the difference between a Labour Government who have kept their promises and a Tory Government who broke theirs.

Q7. [41399] **Mr. Paul Goggins** (Wythenshawe and Sale, East): Given the reluctance of some G8 leaders to make progress on the issue of debt relief, what hope does the Prime Minister hold out to the tens of thousands of people who formed the human chain last Saturday in Birmingham and, more importantly, to the tens of millions of people who live in the poorest countries of the world, that the highly indebted poor countries initiative can be made more flexible and more generous?

The Prime Minister: That was one of the things that we discussed and acted upon at the G8 summit. The international community has been aware of the problems of foreign debt for many years, and has in fact forgiven some £8 billion-worth of debt since 1995. Indeed, going back even further, the United Kingdom has forgiven some £1.2 billion-worth of debt. Under the highly indebted poor countries initiative, another £3 billion-worth of debt relief has already been pledged to six countries, with several other countries embarking on the process. The aim is to get all the countries into the process by 2000. We agreed further provisions at the G8 summit that will allow interim relief for countries that are in the process but have not yet fully completed it. As a result of those measures—although we still believe that much more still can and should be done—we shall have made significant progress in reducing debt for the poorest countries.

Mr. Roger Gale (North Thanet): I put to the Prime Minister a question on an issue for which he has direct responsibility. The European Union has no figures on the cost in loss of jobs of the abolition of duty-free trade. The European Commission said that it would conduct an inquiry into the matter; the European Commission has not done so. The Government hold the presidency of the European Commission. Why does the Prime Minister say in a parliamentary answer only that he would simply "not oppose" such an inquiry if one were to be proposed? He is in government—why does he not do something about it?

The Prime Minister: We have had Conservative party hypocrisy on the national health service, but that one takes the biscuit. The reason why I could say only that is that, in 1991, the Government whom the hon. Gentleman supported agreed to the abolition of duty-free sales in the European Union. Therefore, unless we can get all 15 countries to reverse the position, the abolition will remain. That is why we said what we have said. There is no evidence that other countries are prepared to support reversing the position. If the hon. Gentleman is to lay the blame anywhere, he should lay it on the Government whom he supported—who, in 1991, were responsible for the policy that he is now criticising.

Q8. [41401] **Mr. Chris Mullin** (Sunderland, South): May I gently put it to the Prime Minister that our protests over the Indian nuclear tests would carry more weight if we were not so keen on nuclear weapons ourselves? Does he recall that two previous Labour Governments—those of Lords Attlee and Callaghan—developed nuclear weapons in secret, even from their own Cabinets, never mind from the British public? Will he give an undertaking that his Labour Government will do no such thing?

The Prime Minister: The undertaking that I give will be to combine maximum openness consistent with national security.

Q9. [41402] **Mr. John M. Taylor** (Solihull): How is it that MI6 knew about the activities of Sandline for weeks,

if not mo[illegible] as did his officials, but not the Foreign Secretary? Has he not given the impression of misleading the House last Tuesday?

The Prime Minister: No. The Foreign Secretary corrected the facts as soon as he knew of them. Of course, all of that will be looked into by the inquiry of Sir Thomas Legg. We have done a little research. From last May to this April, not a single question was tabled by the shadow Foreign Secretary or his deputy. On 12 March—that great debate at which the Opposition say we should have explained everything—not a single Tory Front Bencher even turned up. The only person who mentioned the allegations in question was the Minister of State. I think that that shows the seriousness with which we should treat the allegations that the hon. Gentleman makes.

Mr. Brian White (Milton Keynes, North-East): Does the Prime Minister recognise that there are people in Northern Ireland who will be tempted to vote no on Friday, because they believe that that way would strengthen the Union? [illegible] the best way forward for the people of Northern [illegible]nd to take this historic opportunity to vote yes [illegible]d support what the majority of the people of Great Britain want, which is a yes vote on Friday?

The Prime Minister: Yes because, of course, the agreement does two things for which those in the Unionist cause have been fighting for many years. First, it entrenches the principle of consent—no change to the status of Northern Ireland without the consent of the people—and secondly, there is the Northern Ireland assembly. That is balanced by fair and equal treatment for people whatever the part of the community they come from. That is the reason why those who have been fighting for such a long period of time for those two principles should come out and vote yes on Friday.

G8 Summit

3.31 pm

The Prime Minister (Mr. Tony Blair): With permission, Madam Speaker, I should like to make a statement on the G8 summit in Birmingham last weekend. Since they are relevant, I will also touch on the European Union-United States summit in London on Monday and the World Trade Organisation meeting I attended yesterday in Geneva. I have placed in the Library of the House the documents issued at those events.

I start by warmly congratulating Birmingham on how it played its part as host. The city looked magnificent and the preparations impressed all the visiting leaders, their delegations and visiting members of foreign media. I take this opportunity to make clear to the city council and the people of Birmingham our gratitude for all their efforts and for their forbearance over any disruption the summit caused.

After last year's Denver summit, I said that we hoped to make this year's summit smaller, more focused, more businesslike and less formal than some recent summits. I am pleased to report that those objectives were achieved. Indeed, the new format has proved sufficiently successful for Germany, which is to host next year's summit, to decide to follow suit. This was clearly also the first summit for the whole G8 and I was particularly delighted that President Yeltsin was able to play a full part in our discussions.

The Asian financial crisis of the past year put economic issues firmly back at the centre of the summit agenda. It is vital that we learn the lessons for the future. We must, as far as we can, prevent a repetition and at least ensure that future warning signals can be seen by all at an earlier stage. We therefore endorsed a report from G7 Finance Ministers on strengthening the global financial system. That sets out concrete proposals for improving the transparency of the international financial system and national financial data, introducing codes of good practice with publicity for those who fall short, strengthening national financial systems to cope with global capital flows and involving the private sector more closely in resolving those crises—effectively a set of international financial standards countries can sign up to as a way of rewarding good practice. We asked our Finance Ministers to seek rapid decisions in the appropriate forums and to report back to us without delay.

We expressed our support for Japan's efforts to revitalise its economy, which will be essential for Asia's economic recovery, and welcomed the launch of monetary union.

We also discussed the wider implications of the Asia crisis, emphasising that economic reform can be soundly based only where political legitimacy exists. That requires political accountability and transparency, too. In particular, we issued a message on the urgent need for political reform in Indonesia to accompany economic change. Events since have served only to confirm that.

We unanimously condemned India's nuclear tests, urged restraint on neighbouring countries and called on both India and Pakistan to adhere unconditionally to the comprehensive test ban and non-proliferation treaties. There was grave concern at the implication of India's action for international security, and agreement that the action had reduced India's standing in the world and her ability to play a central role.

We delivered clear messages on the importance of maintaining momentum in the middle east peace process and of ensuring a real dialogue in Kosovo that would lead to concrete measures to lower tension and stop violence.

We devoted considerable time to the problems of developing countries, particularly those in Africa. We committed ourselves to reach the internationally agreed targets for reducing poverty, maintaining a substantial flow of aid and untying it wherever possible to make it more efficient. We supported the World Health Organisation "roll-back malaria" initiative, to which Britain will be contributing £60 million. The aim is to cut radically by 2010 the death rate of a disease that strikes, above all, the poor of the world.

We also devoted considerable attention to the reduction of the burden of debt on the most heavily indebted poor countries. Birmingham marks a significant step forward in the pursuit of the Government's policy of setting targets for the year 2000. In particular, the G8 countries are now signed up to the Mauritius mandate target that all eligible highly indebted poor countries are at least in the debt relief process by 2000, and to granting interim relief where necessary. Particular attention will now be given to meeting the immediate needs of poor post-conflict countries, especially those in Africa. Moreover, we all agreed to forgive aid-related debt to reforming least-developed countries—a step which Britain has already taken.

We are not, however, satisfied by those steps. I pay tribute to the Jubilee 2000 campaign and its dignified breaking-the-chain demonstration in Birmingham on Saturday. The issue is vast and complex, and it cannot be solved overnight—we have to mix our realism with our idealism. For debt relief to be effective, recipient countries must be committed to policies that ensure that the benefits reach the poor. However, I am in no doubt that we must do more.

Birmingham was notable for the extent of agreement on the environment agenda, including our common determination to make the Kyoto agreement on climate change a reality through tough domestic action, developing international trading and other mechanisms and drawing in the developing countries over time.

Also on the economic side, we discussed our national action plans to promote employability and inclusion, to help the young and long-term unemployed, to encourage entrepreneurs and to make the tax and benefit system more employment friendly while promoting lifelong learning. Here, too, there is growing consensus among the G8 countries. None of us can be content while unemployment remains so high despite our relative prosperity.

We discussed the growing threat of transnational crime as borders become more open and we all become more dependent on information technology. That requires ever closer co-operation between our Governments and law enforcement agencies, including joint law enforcement action. The G8 countries have made real progress since the Lyon summit two years ago, but we agreed new steps to make our fight against crime more effective. We endorsed a 10-point action plan on high-tech crime, and an intensification of action against money laundering and financial crime. We underlined the increasing dangers of official corruption from the proceeds of crime, the need

for further action against trafficking in human beings and the rising threat of the illegal firearms trade. A ministerial meeting in Moscow will pursue that further next year.

We welcomed the forthcoming United Nations General Assembly special session on drugs and confirmed our determination to pursue a comprehensive strategy to tackle all aspects of the drug problem—production, transport and consumption.

Finally, we discussed the huge challenge posed by the millennium bug and agreed on further action to ensure the right level of international awareness and preparedness. The United Kingdom is contributing £10 million to the World bank trust fund to help developing countries to tackle the problem.

Immediately afterwards, President Clinton, Jacques Santer and I met in London for the six-monthly EU-US summit. Our discussions focused on two key issues: resolving our long-standing differences over US sanctions on Iran, Libya and Cuba; and launching a new transatlantic trade initiative.

Negotiations on the serious problems of extra-territorial jurisdiction raised by the Helms-Burton and Iran-Libya sanctions Acts have been going on for more than a year.

The United States Administration are now committed to waivers for European Union companies under the two Acts, and will resist attempts by Congress to push through similar legislation in the future. At the same time, we reaffirmed our joint commitment to countering proliferation and terrorism. As a result, our companies can now invest with far greater predictability, and we have reinforced EU-US co-operation against unacceptable policies. That was a major step forward.

The agreements also paved the way for a major new EU-US trade initiative, the transatlantic economic partnership, to remove remaining barriers to trade across the Atlantic and provide more effective co-operation in developing the world trading system.

Yesterday, I was in Geneva for the 50th anniversary of the general agreement on tariffs and trade to make clear Britain's continued championing of the cause of free trade. We must continue to resist protectionism, not least in the wake of the Asian economic crisis. A major challenge that we face is to manage the movement towards free trade so that all can participate and benefit. Developing countries must be able to take full advantage of the opportunities, so I was pleased to announce some $10 million of technical assistance to help those countries to prepare.

Finally, I should mention the support that I found in both Birmingham and Geneva for the Northern Ireland agreement. The good will towards the people of Northern Ireland was remarkable and heart warming, and confirmed that stability and peace in Northern Ireland have every chance of being reinforced by a boom in investment and prosperity from right round the world.

It is important that Britain plays a strong, international role in support of sound economic and political policies throughout the world, as a champion of free trade, and in the fight against international crime. I believe that the summits contributed to those goals and that the results were good for Britain and for other countries.

Mr. William Hague (Richmond, Yorks): May I join the Prime Minister in the congratulations that he extended to the city of Birmingham and endorse what he said about Northern Ireland? It is good to know that, when we go to Belfast this afternoon, we will take with us the support of so many friends and allies. Let us hope that the people of Northern Ireland grasp the chance to turn the agreement into a lasting peace.

I welcome, too, the strong commitment to continuing trade and investment liberalisation to which Heads of Government have signed up through the World Trade Organisation. Will the Prime Minister take this opportunity to confirm the Government's support for the goal of achieving worldwide free trade by 2020?

Does the Prime Minister regret the failure of the United Kingdom presidency of the European Union, under his chairmanship, even to have Sir Leon Brittan's plan for a free trade area of Europe and America on the agenda of the EU-US summit? Can he confirm that that plan, which aimed for the abolition of industrial tariffs by 2010 and a free trade area in services, was effectively dropped; that 14 EU member states and the United States were in favour of pressing on with the plan; and that the episode shows once again that the Government's presidency of the EU has often produced little other than platitudes and press releases?

I welcome the acknowledgement in Birmingham of the need for structural reform to encourage growth and job creation in the world economy, but does the Prime Minister recognise that it is far easier to talk about the need for structural reform than it is to implement measures that will create jobs and prosperity? Does he recognise that the current low unemployment in Britain is the result not of communiqués but of labour market reforms pioneered by the previous Government, and that some of the current Government's policies threaten those reforms?

May I offer my support for the points made in the G8 communiqué about the former Yugoslavia? The future of Bosnia will be in the balance this year, and everyone in the House hopes that a stable and prosperous state can be created. I hope that the Prime Minister will share my concern that there is the potential for another disastrous ethnic conflict in Kosovo. Will he argue for the return of the Organisation for Security and Co-operation in Europe monitoring force, to promote confidence within the province, and join us in urging President Milosevic to allow confidence-building measures to be put in place and to restore Kosovo's autonomy?

It was right that debt relief should have been high on the summit's agenda. We will support the Government if they continue to give a lead to other donors, such as the G8 countries, the World bank and the International Monetary Fund in promoting well-thought-out debt reduction programmes that offer the prospect of sustainable economic growth.

I am sure that the Prime Minister will recognise the enormous contribution of the previous Government and former Conservative Chancellors. Indeed, the G8 countries are continuing the initiative begun by the previous Government to help the most indebted countries. Why did the summit fail to convince other Governments to widen the debt reduction agenda as we had all hoped?

Will the Prime Minister note the Opposition's concern for the future of Indonesia, and our deep regret at the loss of life? Does he have any plans to review the agreements

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that international financial institutions have made with Indonesia? If not, will he confirm that he intends them to be implemented fully and swiftly?

Does the Prime Minister accept that the summit's response to events in India appeared confused? The G8 nations were unable to put together a united response to the nuclear tests carried out by India. Does the United Kingdom support sanctions, like the United States, or the ending of arms exports, like Canada, or the approach of the French and Russian Governments, both of whom made it clear that they are not contemplating such measures?

The G8 summit appears to have been better organised and more productive than some other conferences that the Prime Minister has chaired recently. Could that have anything to do with the fact that the Foreign Secretary was not there? Is the Prime Minister claiming the credit for that success, or did the Foreign Secretary simply fail to notice the invitation in his red box? In the interests of maintaining good relations with as many countries as possible, will the Prime Minister undertake to repeat that success at future summits?

Mr. Dennis Skinner (Bolsover): The right hon. Member will not be occupying the chair.

The Prime Minister: No, I think not.

We remain committed to free trade worldwide. As the right hon. Member for Richmond, Yorks (Mr. Hague) knows, we strongly supported Sir Leon Brittan's package, but it had to be supported unanimously, and it was not. It is not right to say that 14 countries were in favour and only one against, but it had to be supported unanimously; that is simply how it is.

We were able to agree significant measures on the transatlantic economic partnership that will have an impact on trade. The measures that we were able to agree on United States sanctions will have an important bearing on the ability of British and European companies to trade with countries against which the USA imposes sanctions. It was a successful meeting. Of course, we would have liked to go further, but consent for that simply was not there.

On growth and job creation, I simply point out that unemployment is significantly down since the Government came to office. People cannot have it both ways on this. *[Interruption.]* Neither of us can, on national health service waiting lists and class sizes, for example. The plain fact is that we inherited from the previous Government a position in which one in five non-pensioner families had no one of working age in work. We have significantly changed the way in which unemployment statistics are calculated, because they were not right. Most people believe that the new deal, which we have implemented in the teeth of opposition from the Conservatives, is doing a great deal to reduce unemployment and help with the problems of social exclusion.

Mr. Bernard Jenkin (North Essex): It has only just started.

The Prime Minister: I must tell the hon. Gentleman that the Conservative party opposed those measures.

On Kosovo, we agree that President Milosevic must take the necessary action outlined by the contact group, and that confidence-building measures are helpful.

I am happy to pay tribute to what the previous Conservative Chancellor did about debt reduction. However, it is not correct to say that the G8 came up with nothing new. The proposal for interim relief for heavily indebted countries was new, and the proposal for interim relief for countries that get into the process by 2000 was also new. The measures agreed on post-conflict countries were also new. In addition, the measures agreed for the World Health Organisation were new. I have said already that we would have preferred to go further. Nevertheless, considerable progress was made, and was made in circumstances in which people believed we would make no progress.

Our view on Indonesia is clear. There must be political and economic reform. It is not for us to interfere in the internal politics of Indonesia, but we should reiterate our commitment to the economic reform and political transparency that would help that part of the world.

The G8 did, indeed, put out a united position on India. Countries have their own positions on sanctions, and I do not know whether the right hon. Member is arguing that we should have imposed economic sanctions on India. I do not think that that is the position.

The conference was a significant success. The reason for that was that we delivered a focused agenda with a series of concrete steps. In respect of the previous European conference, after yesterday's speech, the summit would have been rather less well organised and delivered if the right hon. Gentleman had been in charge.

Mr. Paddy Ashdown (Yeovil): Given the number of summits that the Prime Minister has attended recently, I am tempted to ask him which he would look forward to least—another summit or another round of golf.

There is much in the G8 summit that we welcome, including the proposals on sustainable growth, jobs and transnational crime, but does the Prime Minister agree that one failure that cannot be glossed over is the failure on debt restructuring? Is it not the case that the summit did not even fulfil all five conditions in the Commonwealth Finance Ministers' meeting in Mauritius? Is it not the case that the Prime Minister himself hoped and argued for more? Will he confirm that he shares at least some of the disappointment at the outcome of the 40,000 who gathered outside in what he rightly described as a dignified and powerful demonstration? May we conclude from that that the Prime Minister and the Government will wish to go further?

It is a good thing that the G8 is signing up to Kyoto, but does the Prime Minister realise that he will have to go further? He certainly should, because what has been done is not sufficient to fulfil his manifesto commitment to achieve a 20 per cent. reduction in CO_2 by 2001.

On the question of the transatlantic economic partnership, will the Prime Minister confirm that the most-favoured nation principle will be followed, and that any bilateral agreement between Europe and the United States will subsequently be thrown open to multilateral access? Otherwise, such an agreement can act as a block to free trade and not as an encouragement.

Does the Prime Minister agree that one could not have a more eloquent statement of the current state of the Conservative party than the contrast between the welcome

to monetary union given by all the world's leaders at the G8 summit and the increasingly neurotic and isolationist speeches made by the leader of the Conservative party, which do good neither to his party nor to the country?

The Prime Minister: I share some of the disappointment of Jubilee 2000 on debt restructuring. I doubt whether we will ever go far enough to meet the full concerns of any group in that respect, but we would have wished to go further. Having said that, before the summit a great deal of concern was expressed that we would be unable to get an agreement at all. Some of the comment that has been made post the G8 summit has understated significantly the amount of progress that was made. The Finance Ministers are now tasked with coming back to us and saying specifically how they intend to take that further. My right hon. Friend the Chancellor of the Exchequer, who was here until a moment ago, will be handling that himself. The measures that he has proposed through the Mauritius mandate and elsewhere in the past few months have been immensely helpful.

We are on course to meet our Kyoto targets. We obviously have to be careful to ensure that we pursue the right policies on energy and energy conservation. That is the reason for the Budget measures and the programmes to promote conservation.

In respect of the transatlantic partnership, yes we want to see that there is multilateral access to the bilateral EU-US relationship. However, it is important to emphasise that, on any basis, that relationship is the most important trading relationship anywhere in the world. It should not be, and, as far as we have anything to do with it, it will not be, a conspiracy to shut out other people.

I agree with what the right hon. Gentleman says about monetary union, but, fortunately, that is not a matter for me.

Mr. Stuart Bell (Middlesbrough): The Prime Minister was perfectly right at Birmingham to seek to regain the informality of Group 8 summits that prevailed in the 1970s when it was Group 4. It will not have escaped his attention that 60 per cent. of the world's gross domestic product was represented at Birmingham. It was therefore right and fitting that time should be spent on the debt, aid and health of the third world. The Prime Minister has referred to the eligibility of nation states under the debt bracket and to the new interim measures. Can he confirm what was not in the statement—that the United Nations has a commitment to reduce third-world debt by half in the next 15 years? Building on the statement made by the right hon. Member for Yeovil (Mr. Ashdown) and given my right hon. Friend's own determination, will he confirm that that is a noble goal for his Government in the days, weeks, months and years ahead?

The Prime Minister: Yes, my hon. Friend is absolutely right; we did agree to meet those aid and development targets. That is obviously an important part of our own domestic policy, quite apart from our international policy. In respect of the G8 meeting, as I said, Germany has now indicated that it will follow the same course of informality next year. There was a feeling that it was far easier to get measures agreed. Incidentally, I would highlight the measures on international crime and the fact that there will be specific concrete steps taken by all the G8 countries as a result. In the end, as much as anything else, that will prove to be one of the benefits of the G8 summit in Birmingham.

Mr. Bowen Wells (Hertford and Stortford): Can the Prime Minister help the House to understand exactly why it was not possible to make as much progress on third-world debt as he had hoped to make and as the Select Committee on International Development had hoped that he would make at Birmingham?

What were the arguments adduced around the table in Birmingham against being more generous and more comprehensive, speeding up the process and selling IMF gold to provide a fund against which to write off the debt? What sort of arguments do we have to use and what does the right hon. Gentleman think that we, he and his Government should be doing to persuade those who do not agree with us—Germany, Japan and the United States—to agree to the proposals put forward, very sensibly, by the Chancellor of the Exchequer and himself? If he can help the House, perhaps we will make some progress.

The Prime Minister: It is not so much helping the House that I need to do, as making the case to other countries. Their concerns are obviously about money and about whether there is sufficient reform in the indebted countries to which debt relief has been granted. Our view is that the most persuasive case for more debt relief is that it is only when those countries can escape the burden of their debt that they are able to develop economically. That is not a zero-sum game in which they gain and we lose; on the contrary, it is a game in which we can both win.

Many of those countries are struggling with huge debt repayments every year, which squeeze out the spending that they require on infrastructure and other things. We made those points and we shall continue to make them.

I have said this before, but I am sure the hon. Gentleman will forgive my repeating it: it does actually matter that we got more agreement than might otherwise have been expected. I know that it was not enough for us and for others, but it was more than most people were expecting before the G8 met.

Mr. Robin Corbett (Birmingham, Erdington): May I thank my right hon. Friend for bringing the summit to the city of Birmingham, on behalf of the people of that city, its council and loads of companies that helped to ensure its success? May I thank him for his kind comments and invite him to commend the activities of West Midlands police, in ensuring in an unobtrusive way the security of all those taking part? Will he find a way of thanking my constituent Nyla Yousuf, who was the lead UK delegate to the parallel young people's summit taking place at the same time, for the magnificent way in which she chaired that event and the commendable communiqué on which all the delegates agreed?

The Prime Minister: I am delighted to do that on both points—to repeat my thanks to the people of Birmingham for their tremendous welcome and to the council for the way in which it organised the summit. My hon. Friend is quite right to say that the West Midlands police were superb in organising the summit. My summit experience, which has recently been very extensive, is that their work

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was done in the most unobtrusive way—very calm and very well policed—which made a great difference to the overall feel of the conference.

Nyla Yousuf, whom I met when I went along to the young people's G8 summit, conducted it with extraordinary skill. If she carries on doing that for some years, I can well see her being in a position to make statements like this in future.

Mr. Michael Fabricant (Lichfield): I congratulate the Prime Minister on strengthening the undoubted ties that already exist between him and President Clinton. I cannot blame him for strengthening those ties, given the comments that Viktor Klima, Chancellor of Austria and the next President of the European Union, made when he said that the Prime Minister gave a summit which demonstrated how not to conduct summits—which was not very helpful to the Prime Minister.

The Prime Minister said that a veto by one country has prevented the European Union and the north Atlantic countries from enjoying free trade. Does that mean that the World Trade Organisation plan and aim for world free trade by 2020 is dead in the water?

The Prime Minister: No. Indeed, it is fair to say that more than one country objected to what Sir Leon Brittan was proposing. I did not accept those objections, but they were based on those countries' desire to do things through the WTO. However, we believed that it would have been perfectly consistent with that to have had the transatlantic trade deal as well. I do, however, stress, as I did a moment ago, that we made considerable progress with the transatlantic economic partnership—it was not as much as we wanted, but it was significant progress—and, especially because of the additional measures in relation to sanctions and extra-territoriality, we made more progress on those things at the EU-US summit than we have made for very many years.

In respect of strengthening ties with the United States, I think it is always in this country's interests to have strong relations with the US.

Mr. John Cryer (Hornchurch): Bearing in mind the Prime Minister's support for free trade, will he nevertheless accept that there are some things that we cannot allow to move freely around the world, such as white asbestos, which is an especially deadly substance? Will he look toward some type of control, perhaps extending to a ban, on the importing of white asbestos?

The Prime Minister: That is under consideration both in this country and in the European Union, although we have given an—I believe, justified—undertaking to Canada and other countries that produce white asbestos that we shall proceed on the basis of the scientific evidence. That scientific evidence exists; we are analysing it, and we shall make our views known when that analysis is complete.

Mr. Bernard Jenkin (North Essex): May I thoroughly endorse the Prime Minister's words in his statement that

"economic reform can be soundly based only where political legitimacy exists. That requires political accountability and transparency, too"?

Can he not see that those are precisely the criteria that my right hon. Friend the Leader of the Opposition seeks to apply to the future management of the single currency in Europe, because it will lack political legitimacy, transparency and accountability, and is therefore likely to be unstable?

The Prime Minister: I do not want to intrude on the private debate between various members of the Conservative party, but I must say that it is bizarre to claim that monetary union lacks the support of the countries joining it; it has the support of their democratically elected Governments. As far as this country is concerned, we have made it clear that it will be subject to a referendum.

It would be very, very foolish of Conservative Members to get themselves into the position of hoping that monetary union fails, because it will not be in anyone's interests if it fails. The history of the past few years is that Conservative Members have said, "It will never happen. If it happens, only a few countries will take part. If there are more countries, it will all fall apart very quickly." They have been wrong at every juncture.

The accountability lies in the procedures that have been set out in the Maastricht treaty.

Mr. Jenkin *indicated dissent.*

The Prime Minister: The hon. Gentleman may shake his head, but I remind him that it was negotiated by the Prime Minister of the Conservative Government, under whom he served as a Member of Parliament.

Mr. Jeremy Corbyn (Islington, North): Will the Prime Minister accept that the origins of the debt burden of the poorest countries are sky-rocketing interest rates and consistently falling prices for basic commodities and basic agricultural products? Does he further accept that this issue must be revisited urgently, to ensure, first, a massive write-off of the totally unjust and immoral debts that the poorest African countries are burdened with, and, secondly, a system of price adjustments to ensure that the poorest countries receive fair prices for the products that they produce, and that huge profits do not continue to be made in the west on the basis of cheap products from overseas?

The Prime Minister: I think that what would help the poorest countries most would be to start opening out some of the world trading system, especially in relation to agriculture. As I said at the GATT anniversary conference in Geneva yesterday, that would do a tremendous amount of good for many of those countries.

In respect of debt relief for those countries, I shall not repeat myself, but yes, we do want more debt relief to go to the heavily indebted countries. We want them all in that initiative by the year 2000. There are now provisions for interim relief. I gather that six of those countries already qualify for some £5.6 billion of relief. The creditors of the Paris club have already forgiven $8 billion. It is important that we carry on with that process. It is not moving as fast as we should like, but some progress is being made. Some of the comments that I have read in the past few days, effectively suggesting that the debt relief package has been rolled backwards as

a result of the G8, are wrong. It has not been pushed forward as much as it should be, but it has been moved forward.

Dr. Jenny Tonge (Richmond Park): Is the Prime Minister aware that every day 16,000 people are infected with the AIDS virus and, of the $18 billion a year that is spent on research into and treatment and prevention of that disease, only 1 per cent. is spent on developing an AIDS vaccine? Does he accept that the G8 summit went a very small way indeed in encouraging research into the AIDS vaccine, and will he give his support to all the people who say that the development of such a vaccine is the only way in which we shall conquer the world epidemic?

The Prime Minister: Yes, I agree with the hon. Lady. As she knows, we included in the communiqué a specific passage pledging ourselves to

"continue our efforts to reduce the global scourge of AIDS through vaccine development, preventive programmes and appropriate therapy, and by our continued support for UNAIDS."

We also specifically welcomed the French proposal for the so-called therapeutic solidarity initiative, and other proposals for the prevention and treatment of AIDS. In addition, we have requested that our experts come back with a study on the feasibility of their implementation, plus the additional measures that we need to take to ensure that a greater amount of the research is specifically directed at the developing world. Again, that is at least something.

Mr. Dale Campbell-Savours (Workington): I return my right hon. Friend to the question asked by the Chairman of the Select Committee on International Development, the hon. Member for Hertford and Stortford (Mr. Wells), on the reasons why Japan and Germany specifically were identified with those who seemed to be resisting a new debt initiative. My right hon. Friend referred to their demands for reform. To what specific areas of reform are they alluding? What do they want that they cannot have at the moment?

The Prime Minister: We are all agreed in the sense that any money, whether by way of aid or debt relief—any assistance going to the developing countries, particularly the heavily indebted ones—should go under a regime which ensures that the money goes for the purposes for which it is required, and that economic reform programmes are in place that allow the best use to be made of the assistance that has been given. Some countries feel more strongly than others that not sufficient is being done in that direction, and some countries feel that there is a financial problem with the amount of aid and debt relief that can be given. But it is wrong to single out particular countries in a particular way.

It is true to say that international discussion on this issue, particularly after the Mauritius mandate, which was agreed by our Chancellor and pushed through by him, has particularly advanced the process. It is just not advancing as quickly as we should like. We shall have a chance to return to that in other international forums, and we will return to it. We have tried during this past period to push on significantly the measures proposed to aid those developing countries, and we are doing that not merely out of compassion for the developing world, but because, in the end, it is solidly in our interests to do so.

Mr. David Willetts (Havant): I congratulate the Prime Minister on his boldness in going beyond his Secretary of State in appearing to say in response to my right hon. Friend the Leader of the Opposition that he expects the new deal to reduce the number of workless households. Will he now say what sort of effect he expects?

The Prime Minister: It has been set out many times. As a result of the new deal, thousands of young people are coming off benefit and going into work. One of the worst legacies of the previous Government was the large number of long-term unemployed young people who had never worked in their lives. It requires a special programme to get them off benefit and into some form of work. We are pushing it through as much as we can. Already many thousands of youngsters are off benefit and in work, which I think is a good thing. I do not know why the hon. Gentleman opposes it.

Mrs. Maria Fyfe (Glasgow, Maryhill): Further to the point made by the hon. Member for Hertford and Stortford (Mr. Wells), the Chairman of the Select Committee on International Development, does my right hon. Friend agree that it is unacceptable for any country to have to spend more on the repayment of debt than on its health and education programmes? That puts into perspective the girns that we regularly hear from the Opposition on those topics in relation to our own country. When other nations at the G8 summit speak of reform in those countries, to what extent do they recognise that when people are living in such a deep state of poverty, reform is unlikely? As Bertolt Brecht famously said, a man is only human—he must eat before he can think.

The Prime Minister: That is why we want to take the process further. It is correct to say that we must make sure that the money that we put in—for example, into post-conflict countries—is going into countries that are prepared to reform. For example, in Geneva yesterday I met a Minister from the Rwandan Government, who specifically thanked us for the work that we have been doing. Work is being done, but we need to go further and do more.

Mr. Nicholas Winterton (Macclesfield): I warmly welcome the Prime Minister's positive and rational support for the Jubilee 2000 campaign. There is no doubt that on-going action is necessary, and I am sure that he will get support from all parts of the House for what we seek to achieve.

Did the Prime Minister see the television news coverage of the desperate famine in south Sudan, the passive acceptance of their plight by the people of that country, and the apparent inability of the world to provide them with food help, even when there are huge surpluses in Europe alone? Will the Prime Minister use his office as President of the EU to co-ordinate a campaign to get food to the people of south Sudan as soon as possible, to prevent thousands of unnecessary deaths?

The Prime Minister: I agree totally with those sentiments, and I saw those pictures. We have already

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used our position as the presidency of the EU to step up significantly the amount of aid that we are giving, and, on our own account, we have pledged several million pounds more in the past few weeks.

Again, however, it is also important to achieve the necessary political change. Some of the humanitarian aid is not getting through as it should, not because the will is lacking to get the aid through, but because the aid is being prevented from getting through. It is important that we make the necessary provision to aid famine in those countries, and, at the same time, make it clear that we require a process of political reform so that the money and the aid that we are getting in go to the people who really need it. However, we will carry on looking to see what more we can do to relieve the terrible suffering of the people there.

Ms Tess Kingham (Gloucester): Our Government, under their ethical foreign policy, have taken the view that it is best to engage directly with countries such as Indonesia and China. That view is obviously not taken by the United States in relation to Cuba, which it has cast into the outer wilderness. Can my right hon. Friend tell the House whether we have made that case to the US Government? Have we asked them to take a leaf out of our book and to engage directly with the Government of Cuba, to have a productive dialogue and to bring Cuba into the world community rather than casting it aside?

The Prime Minister: Obviously, American foreign policy is a matter for the United States. We have always made it clear that we disagree with the extra-territoriality provisions in the Helms-Burton Act and other legislation. The European Union shares that position. I hope that, over time, there will be greater acceptance of Cuba into the world, and also greater acceptance by Cuba of proper democratic political reform. The two things must ultimately go together.

Mr. Robert Key (Salisbury): In the detail of the European Union-United States communiqué there is an important and welcome reference to increased co-operation to counter chemical and biological terrorism. If we are to avoid the absurd over-reaction that we witnessed earlier in the year when the Home Secretary sensibly issued a routine warning to ports, does the Prime Minister agree that we need an improved public education programme that will tell people exactly what is going on? Is that envisaged as part of the welcome move that has been described?

The Prime Minister: I cannot answer that point in detail, so I shall write to the hon. Gentleman and tell him what specific steps we are taking. He is right to say that our general purpose is to ensure that people receive as much information as possible in a way that does not alarm them or generate scare stories that are no good for anyone.

Several hon. Members *rose—*

Madam Speaker: Order. Seven Labour Back Benchers are still standing. I hope that they will put their points briefly to the Prime Minister, who has been at the Dispatch Box for a very long time.

Mr. Dennis Skinner (Bolsover): When my right hon. Friend strides across the world stage, will he remember that, on the question of debt relief, it is important not to repeat the experiences of the past 18 years when the Tory Government wrote off the debts of the top four clearing banks—NatWest, Midland, Barclays and Lloyds—to the tune of £5 billion? This time, let us make sure that we use that £5 billion—if we can find the money by getting rid of the Tory spending plans—to write off the debts of under-developed countries.

The Prime Minister: I agree with those sentiments entirely.

Mr. Michael Clapham (Barnsley, West and Penistone): Very speedily, may I say that I listened to what the Prime Minister said about the progress that has been made in helping the heavily indebted countries? Does he agree that, if we are to achieve the target of halving the world's poverty by 2015, the G8 must adopt a much more realistic approach? Will he work continually to inject that realism?

The Prime Minister: Yes, I agree with my hon. Friend. That is why we shall continue to try to make progress on two fronts. Greater debt relief, forgiveness of debt and aid to the developing world will be matched by the institutions through which that aid is channelled putting in place the necessary economic reforms. Countries can take advantage of their often enormous natural resources only if they are freed from some of their burden of debt and pursue the right economic policies. They could be wealthy trading partners with the rest of the world if they were given the chance. The combination of debt relief and political reform offers the best way forward.

Mr. Peter L. Pike (Burnley): Does my right hon. Friend think that the G8 has done everything possible to make the Government of Pakistan understand that, however justified they may feel in responding with a nuclear test and although there may be public pressure within the country to conduct such a test, it is in the best interests of Pakistan not to respond in that way? Should not the G8 send a clear message that India and Pakistan must sit around a table and resolve the problem of Kashmir? That would unlock the logjam and enable them to look at the real problems facing those two countries and that part of the world.

The Prime Minister: Of course, we want to see progress in respect of that dispute, but those countries must work it out for themselves. In respect of the possibility of Pakistan conducting nuclear tests, I hope, even at this stage, that it will refrain from doing so. If it did, it would receive enormous support and congratulations from around the world. We remember the example set by Brazil and Argentina, and I hope that Pakistan will take a leaf out of their book.

As the President of the United States said on Monday, India is an immensely important and powerful country. Its potential is virtually unlimited. I say to the Indian Government and the Indian people—they are friends of this country and we feel the great bond and tie of history between our two countries—that there are other and better ways of enhancing their international standing and security than nuclear testing.

Mr. Harry Barnes (North-East Derbyshire): As a follow-up to the previous question, may I ask the

Prime Minister to elaborate further on the G8 attitude to Pakistan? What is the G8 doing to encourage Pakistan not to explode any nuclear bombs? There is a sense in which Pakistan's response is almost more important than what has taken place in India. It is often the person who is seen to retaliate who gets the red card. It would be unfortunate if Pakistan moved into that position.

The Prime Minister: I agree that our position cannot be different in respect of the two countries. We are looking, both on our own account and as President of the European Union—I know that the United States is doing the same—to find all the arguments that we can to persuade Pakistan that it does not need to follow suit with India, and that it would be better for it and world security if it did not.

Ann Clwyd (Cynon Valley): Will my right hon. Friend agree that the G8 should have called for political reform in Indonesia a long time ago, when Suharto was strong, rather than now, when he is weak and no longer of any use to his friends? May I ask my right hon. Friend, as leader of the European Union, whether he could not beef up the statement a bit and call for Suharto to stand down now to avoid further bloodshed and suffering in Indonesia?

The Prime Minister: We do not believe that it is for us to tell particular leaders to stand down, but we have made a strong statement in respect of political reform in Indonesia. There is no doubt that the future of Indonesia—after all, it is one of the largest countries in the world with a population of 200 million and with tremendous potential—is best secured through both economic and political reform. If that were to happen and Indonesia ended up with a more transparent financial system and a more accountable political system, its future would be extremely bright. Obviously, that is what we should be working for.

Mr. Hugh Bayley (City of York): May I congratulate my right hon. Friend the Prime Minister on ensuring that the communiqué made specific reference to the need for OECD countries to ratify the convention on transnational bribery? May I ask my right hon. Friend to read the United Kingdom tax inspectors' manual, which makes it clear that the fiscal regime that we inherited from the Conservatives does not make international bribery an offence in UK law, and, in many cases, makes it tax deductible? Will my right hon. Friend consider that and make the necessary changes to the law as part of our ratification process of the OECD convention?

The Prime Minister: I have to say that the Inland Revenue tax inspectors' manual has not yet found its way on to my bedtime reading list. I shall obviously try to rectify that. I do not know the answer to my hon. Friend's point offhand, but I shall certainly look into the matter and tell him.

Mr. Andrew Miller (Ellesmere Port and Neston): The whole House will welcome the section of the communiqué on drugs trafficking. Is it likely that, as a result of that, we may see sanctions imposed on those regimes that engage directly in drugs trafficking, especially countries such as Burma that are killing our kids and systematically killing their own children and families?

The Prime Minister: We are looking at every way in which we can discourage countries from the production of drugs, especially if that has anything to do with Government encouragement. The most important thing that the G8 did was to agree a series of actions in respect of high-tech crime, international crime and money laundering in particular. It is the money laundering for the drugs trade that is its real point of vulnerability and weakness if we can attack it properly.

Vast sums—billions of dollars—move across frontiers to support the drugs trade. We have asked our Finance Ministers to come back to us with specific measures that we can take to enhance our ability to strike at money laundering. I should like to see us move eventually to a system that is accepted worldwide where we can make progress on tackling this issue. If we are to tackle the drugs problem, we need to tackle demand, which we and other countries are trying to do. We need also to attack the supply.

Mrs. Louise Ellman (Liverpool, Riverside): I welcome the initiative and the lead that this country has taken, particularly on debt reduction. Is my right hon. Friend able to give a commitment that this country will continue to support European and international programmes that permit the exchange of knowledge and skills between the UK, and countries and areas in the process of development or reconstruction, which would allow those countries to develop their own local and regional economies in a way that suits them, and also permit good governance to take place?

Will my right hon. Friend support that approach within the context of local Agenda 21 groups, where a variety of people in local areas work with international support to develop local economies and good governance together?

The Prime Minister: The $10 million that I announced in Geneva yesterday will be specifically for technical and other forms of assistance to allow developing countries to take advantage of a more liberal trading regime, and will be geared to ensuring that they have the best possible chance of developing precisely as my hon. Friend describes. That will certainly happen in respect of exchange programmes, which are already a big part of our education programme and which we intend to develop further.

Points of Order

4.25 pm

Mr. Simon Hughes (Southwark, North and Bermondsey): On a point of order, Madam Speaker. May I take hon. Members back to Prime Minister's Question Time, when the Prime Minister appeared to tell the House that there was no rebuttal officer dealing with NHS waiting lists? I wish to point out for the record that the Secretary of State for Health gave two parliamentary answers dated 11 May to my hon. Friend the Member for Gordon (Mr. Bruce). The one specifically entitled "Civil Service Rebuttal Officer" confirmed:

"The Department's communications planning unit"—

which is costed at £86,000 a year—

"includes a rebuttal officer".—[*Official Report*, 11 May 1998; Vol. 312, c. *40*.]

It goes on to describe the rebuttal officer's job. The Prime Minister may not have known that, but the record is clear.

Rev. Martin Smyth (Belfast, South): On a point of order, Madam Speaker. You and your predecessors regularly call, "Ayes to the right, Noes to the left". I therefore take it that "No" is a respectable vote in this House, whether people are right or wrong. It was regrettable today that there were those who were urging a "Yes" vote, and there was no opportunity for anyone to say no.

Madam Speaker: That is an abuse of a point of order. It is not for me to become involved in politics. The hon. Gentleman is usually a gracious Member of this House and does not normally behave in that fashion. I hope that he stands—or sits—reprimanded.

Ports of Entry (Special Status)(No. 2)

4.26 pm

Mr. Gwyn Prosser (Dover): I beg to move,

That leave be given to bring in a Bill to make provision for special status for ports of entry to the United Kingdom so far as the law affecting local government and policing is concerned; and for related purposes.

My Bill provides measures to ensure that the needs of areas of the United Kingdom that house ports of entry, be they sea ports or airports, are properly recognised. They endure special pressures in terms of additional resources for policing, social services, education, health and housing provision. Almost all our ports of entry suffer such additional burdens to a greater or lesser extent, and I am grateful to those hon. Members on both sides of the House who represent ports of entry constituencies and who either formally sponsored my Bill or gave it their support. I am sure that they will forgive me if I draw mainly on examples from my constituency and the county of Kent to illustrate the case for change.

I am privileged to represent the constituency that houses the port of Dover, the busiest ferry port in the world, which is pleased to be known as the gateway to Europe. The county of Kent and the port of Dover provide the shortest, quickest and cheapest passenger links with other parts of the European Union, and those vital transport corridors are of strategic and national importance. Last year, nearly 2 million heavy goods vehicles passed through Kent, and some 20 million passengers were handled by the port of Dover alone.

Such high concentrations of activity generate huge additional demands on the resources of police authorities, local authorities and agencies with jurisdiction over ports of entry. It is accepted that, from time to time, the appropriate authority in any part of the United Kingdom may be required to deal with extraordinary, large-scale events, but for busy ports of entry such as Dover, events that would be considered extraordinary elsewhere have become ordinary. The majority of port-related events are large scale in terms of resource demand.

Additional pressures on police include supporting the work of Customs and Excise agencies to control bootlegging and drug smuggling, dealing with the high levels of crime associated with such activities, and policing demonstrations and marches. Many ports have been picketed by animal rights protesters who object to the way in which live animals are transported and exported for food. I support the protesters, and should like that awful trade to end, but such demonstrations must be policed and the cost is high.

In recent years, ports have become the focus of every protest group that wants to publicise its point. British ports have been blockaded by British farmers protesting against the importation of meat, and French ports have been blockaded by French fishermen, dockers, farmers and truck drivers protesting about their various and numerous causes. Whichever side of the channel stoppages take place, the consequences are the same: massive, unpredictable backlogs of traffic and the need to manage that traffic. Kent police have devised plans for dealing with those recurring problems as they affect Dover, but such operations are costly.

Ports of entry have to provide support for illegal immigrants, asylum seekers and their families, which creates additional demands on local authorities. Sadly,

in my constituency the presence of large groups of immigrants has given rise to social tensions in the community. Fascist groups from outside the area have sought to exploit those tensions by staging racist marches, and anti-fascist groups have confronted them. Policing such events is costly, and diverts a large number of police officers from regular duties.

Dealing with immigrants has also imposed additional pressures on ports of entry and on neighbouring areas, but the implementation of the Asylum and Immigration Act 1996 has increased them considerably by shifting responsibility for supporting asylum seekers on to local authorities. As well as meeting the requirements of the Children Act 1989 and the National Assistance Act 1948, and meeting other costs of social care, local authorities have to meet the costs of educational facilities for children and adults in such groups.

The influx of immigrants from eastern European countries into Dover and surrounding constituencies has put enormous pressures on Kent county council. Although specific grants are in place, they fall far short of covering expenditure. That is due partly to the high thresholds that have to be exceeded to warrant payment, and partly to the limits that have been set. Last year, those limits caused Kent to suffer a shortfall of more than £1 million for its support of asylum seekers and their children. That shortfall should be covered under the council's existing budget. Grants by no means cover the cost of caring for asylum seekers, so other services in Kent suffer.

Similarly, district councils in ports of entry are responsible for housing asylum seekers and for providing bed-and-breakfast accommodation. Changes made to immigration legislation in 1996 substantially increased their costs. In the last full year before the 1996 Act took effect, Dover district council's expenditure on asylum seekers for bed-and-breakfast accommodation was £1,169. The estimated cost for the current year is £47,000.

Special grants are available to certain categories of local authority to compensate for those additional costs, but, for some reason, district councils such as Dover do not qualify for such reimbursement. Local authorities with jurisdiction over ports of entry are responsible for administering and enforcing port health regulations, the cost of which is increasing. For Dover district council, that amounts to more than £60,000 a year.

There is no recognition of those disproportionately high costs in the rate support grant, and the current method of business rate collection from port authorities does not directly benefit local councils. Many other extraordinary costs fall disproportionately on police authorities and local authorities housing ports of entry.

My Bill seeks to remedy those difficulties by providing special status to authorities that house ports of entry, which will recognise their additional expenditure and provide them with appropriate support. I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Gwyn Prosser, Mr. Andrew Mackinlay, Mr. Ivan Henderson, Laura Moffatt, Mr. Derek Wyatt, Ms Jackie Lawrence, Dr. Stephen Ladyman, Mr. Nick Ainger, Mr. Robert Syms, Mrs. Louise Ellman, Dr. Alan Whitehead and Mr. Norman Baker.

PORTS OF ENTRY (SPECIAL STATUS) (NO. 2)

Mr. Gwyn Prosser accordingly presented a Bill to make provision for special status for ports of entry to the United Kingdom so far as the law affecting local government and policing is concerned; and for related purposes: And the same was read the First time; and ordered to be read a Second time on Friday 3 July, and to be printed [Bill 192].

Orders of the Day

Human Rights Bill *[Lords]*

Considered in Committee.

[SIR ALAN HASELHURST *in the Chair*]

Clause 1

THE CONVENTION AND THE FIRST PROTOCOL

4.36 pm

Sir Nicholas Lyell (North-East Bedfordshire): I beg to move amendment No. 1, in page 1, line 8, leave out '12 and'.

The Chairman of Ways and Means (Sir Alan Haselhurst): With this, it will be convenient to discuss amendment No. 99, in schedule 1, page 18, line 23, at end insert—*'Article 13—*

EFFECTIVE REMEDIES

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.'.

Sir Nicholas Lyell: The amendments are exploratory. They would insert into the Bill article 13 of the convention. The reason why we wish to explore the omission of that article from the Bill and the difference that might be made if it were inserted relates to our primary aims for this legislation, which I hope the Home Secretary will say the Government share. However, even if they do share them, we doubt whether they have achieved them yet.

We have already expressed our doubts about the wisdom of incorporation of the convention, but, if there is to be incorporation, I hope that these three points are uncontroversial. First, one of the benefits of incorporation is that British judges would have an opportunity to have input into the fashioning of convention law. Some time ago, I wrote that I believed that, whatever my other reservations, that was an advantage of incorporation.

Secondly, the fashioning of convention law and its expression in our domestic law should be the combined efforts of the judiciary and Parliament. It is for the judiciary to state where and how our existing laws, procedures or remedies are inadequate in law or incompatible with the convention, but it is then for Parliament to decide, in cases where legislation is involved—either primary or secondary—how the matter should be properly corrected. That is why we broadly support the Government's approach to judicial remedies and the power to take remedial action that is contained in clauses 8 and 10.

Thirdly, we do not want the judiciary creating a separate body of law for the United Kingdom which may go further than would the commission or court at Strasbourg. Although we sometimes grumble at the Strasbourg institutions, and there are judgments that we respectfully criticise and seek to alter, we should recognise that they are usually careful and cautious in their approach to interpreting the convention. In recent years in particular, they have given a great deal of weight to margin of appreciation, which they and our own judiciary should be careful to do, and we respect the way in which they do so.

To help achieve those three objectives, we shall concentrate later in the debate on, for example, our dislike of the fast-track procedure and on the fact that the Bill lacks any device—I use that word carefully—that would enable the Government or a public authority, if aggrieved by a ruling of our domestic courts, to cause the issue to be taken on to Strasbourg. Such a device would effectively give a right of appeal not only to the citizen, who already has such a right, but to government and public authorities, which currently lack that right. We hope to hear in due course that the Government agree with us on those aims and that approach, and that they will allow us to assist them in amending the Bill in that way.

To revert more narrowly to the amendments, I ask the Government to clarify what they see as the difference, if any, between article 13 being expressly contained in the Bill and it being left out, as it now is. I invite Ministers to listen and watch carefully, because I suspect that we are about to start dancing on the head of a pin.

When the question was asked by Lord Lester in another place, on 18 November, the Lord Chancellor, commencing his dance—if I may put it that way—first replied:

"the courts may have regard to Article 13."

Some 10 lines further on in the *Official Report*, in answer to my noble Friend Lord Campbell of Alloway, the Lord Chancellor said:

"to incorporate expressly Article 13 may lead to the courts fashioning remedies about which we know nothing".—[*Official Report, House of Lords*, 18 November 1997; Vol. 583, c. 477.]

Mr. Edward Garnier (Harborough): My right hon. and learned Friend has been discussing the opinions of their lordships. Has he learnt anything from reading the *Official Report* of the other place that tells us the substance of the reasoning, if there is any reasoning, behind the Government's approach as set out by the Lord Chancellor?

Sir Nicholas Lyell: My hon. and learned Friend anticipates accurately the points that I am about to expand. The simple answer to his question is no, but let me seek, for the benefit of the Home Secretary and the Minister, to explain why, in the hope that at least here, in the light of a summer's day, we may have some elucidation from the Government.

As I said, when the question was raised in the Lords, the Lord Chancellor gave two seemingly inconsistent answers within about 15 lines of debate. He went on to rebuke, if that is not too harsh a word, Lord Ackner, a former Law Lord, for "nourishing suspicions"—a delightful expression—on the issue. However, he then purported to comfort my noble Friend Lord Kingsland, the shadow Lord Chancellor, by stating:

"I believe that the English law is rich in remedies and I cannot conceive of a case in which English law under Clause 8(1) would be unable to provide an effective remedy."—[*Official Report, House of Lords*, 18 November 1997; Vol. 583, c. 479.]

The House will instantly recall that Lord Lester said that he won Pepper *v.* Hart, but I was on the other side. Pepper *v.* Hart was not exactly a case that one won or

lost, but one in which the House of Lords—which was straining at the leash to do so—decided that it would be illuminating to their Lordships, in their judicial capacity, and to the courts generally if they were able to examine the words of a Minister in cases of ambiguity in a Bill, to determine whether they could ascertain how to resolve that ambiguity.

It has always seemed to me ironic that their Lordships chose a case in which the junior Minister in a Labour Government—who was a highly respected Member, and subsequently a Chairman of the Treasury Select Committee—had, around midnight, been answering some 90 questions in two hours in the course of a debate on the Finance Bill, in which he had arrayed against him 14 future Cabinet Ministers and two future Chancellors. None the less, Pepper *v.* Hart was thought likely to be a case in which examination of the Minister's words would be helpful.

4.45 pm

The point about Pepper *v.* Hart is that in it, it was ruled that one may examine a Minister's comments. Lord Lester—always astute on such points—has decided for himself that, having heard the current Lord Chancellor expatiating on the meaning of clause 8(1), he could take it that judges, having read the debate in the other place, would arrive at the simple conclusion that it was Parliament's intention that the courts could have regard to Article 13 of the Convention.

For completeness, one notes—as the Lord Chancellor pointed out—that, under clause 8(4),

"In determining—

(a) whether to award damages, or

the amount of an award",

the Bill already provides that

"the court must take into account the principles applied by the European Court of Human Rights in relation to the award of compensation under article 41 of the Convention."

The Home Secretary will have instantly realised that, as the Bill seems to say that courts can take those points into account in awarding damages, applying another legal principle—*expressio unius est exclusio alterius*—presumably they are not entitled to take them into account in other circumstances. However, the Lord Chancellor did not go into that particular detail. Nevertheless, as I said, it seems to suggest that, in other respects, one does not take article 13 into account.

The Home Secretary might again be able to enlighten us on whether there is any difference between the meaning of the words "taking into account" and "having regard". I think that, by now, I have made good my point that the head of the pin on which we are dancing is not all that large.

I conclude with two simple questions. Does it make any difference whether article 13 is expressly contained in the Bill? If so, what difference does it make, and why?

The Secretary of State for the Home Department (Mr. Jack Straw): I congratulate the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell) on a very elegant, well-informed and entertaining speech. However, in the course of this short debate, I hope to show that—on the omission of article 13—far from dancing on the head of a pin, Labour Members have been waltzing with ease around a very large dance floor.

Although the right hon. and learned Gentleman made some hay with some selected quotations from my right hon. Friend the Lord Chancellor in the other place, it is fair to tell him that, in the course of that debate, Lord Lester of Herne Hill withdrew his amendment, seeming to be satisfied—he did not press his amendment to a vote—by explanations offered by the Lord Chancellor.

Sir Nicholas Lyell: The Home Secretary is right to say that Lord Lester appeared to be satisfied, but that was precisely because of his interpretation of the Bill, which, as I have just explained, was that, notwithstanding that article 13 was omitted, by applying Pepper *v.* Hart, the courts could none the less have regard to it.

Mr. Straw: I hope to explain, fully consistently with what my learned Friend the Lord Chancellor said, why we thought that, on balance, it would be better to omit article 13 than to include it.

In response to the first three general points made by the right hon. and learned Gentleman, of course we support him. The case for incorporation, among others, is that British judges can be involved in the development of jurisprudence. I happen to think that that will be extremely helpful, both because they obviously have a better understanding of circumstances in this country than judges from other jurisdictions, and because we have a body of people in the higher judiciary with a degree of skill and professionalism that is in some ways unrivalled throughout the world. It is important that that skill should be utilised in the interpretation of a profoundly important convention and a profoundly important Bill.

Secondly, the right hon. and learned Gentleman felt that it was right that we should incorporate the convention in a way that fashioned the law through the combined efforts of the judiciary and Parliament. In opposition, when we first looked into the matter, we certainly tried to achieve that.

On the third point, we did not want to incorporate the convention in a way that challenged the supremacy of Parliament and its sovereignty. I have noticed some correspondence and articles in the newspapers suggesting that we should have gone down that route, and that, if we did not, it would be a milk-and-water version of incorporation.

When reference is made to Bills of Rights not only in the United States but in jurisdictions such as Canada, what is forgotten is that those jurisdictions have written constitutions and that there is what amounts to a superior law, which is brought into effect by the procedures for change in the constitution itself. We do not have that facility, and I do not suggest that we should. As an alternative, we have the sovereignty of Parliament, and therefore it is of profound importance that the ultimate judge of what should or should not be a right and a responsibility in the United Kingdom must be this Parliament and no other body.

In the discussions that took place among ministerial colleagues, we thought about this matter long and hard. If the right hon. and learned Gentleman does not mind me saying so, I was pleased and to some extent amused that, despite his hesitancy about the overall principle of

[Mr. Straw]

incorporation, he is now proposing a purer form of it than some would say we have put in the Bill. We decided it was inappropriate to include article 13, for the following reasons.

First and foremost, it is the Bill that gives effect to article 13, so there was an issue of duplication. The Bill sets out clearly how the convention rights will be given further effect in our domestic law, and what remedies are to be available when a court or tribunal finds that a person has been the victim of an unlawful act. We will be discussing those clauses in more detail later, but I will briefly summarise the relevant provisions.

Clause 3 requires legislation to be read and given effect, as far as possible, in accordance with convention rights. Clause 6 makes it unlawful for a public authority to act in a way that is incompatible with a convention right. Clause 7 enables the victim of an unlawful act to rely on his or her convention rights in any legal proceedings, or to bring proceedings on convention grounds. Clause 8 provides that a court or tribunal, when it finds that a public authority has acted unlawfully, may grant the victim such relief or remedy, or make such order, within its jurisdiction as it considers just and appropriate.

Those are powerful provisions, as is acknowledged. In our judgment, they afford ample protection for individuals' rights under the convention. In particular, clause 8(1) gives the courts considerable scope for doing justice when unlawful acts have been committed. Indeed, no one has been able to suggest any respect in which the Bill is deficient in providing effective remedies to those who have been victims of an unlawful act.

The amendment—this was to some extent implicit in the right hon. and learned Gentleman's closing remarks—would add nothing to the Bill, which brings me to our second reason for opposing it. If we were to include article 13 in the Bill in addition to the remedies provided in clauses 3, 6, 7 and 8, the question would inevitably arise what the courts would make of the amendment, which, on the face of it, contains nothing new. I suggest that the amendment would either cause confusion or prompt the courts to act in ways not intended by the Bill—for example, by creating remedies beyond those available in clause 8. Whatever the outcome, the result would be undesirable.

Mr. Garnier: Will the right hon. Gentleman give one or two examples of the remedies he envisages that would go beyond those set out in clause 8?

Mr. Straw: In considering article 13, the courts could decide to grant damages in more circumstances than we had envisaged. We had to consider that matter carefully, because of the effect on the public purse. We are dealing with breaches of rights by public bodies, some of which are financed by Government—whose purse is, apparently, endless and seamless—whereas others do not have access to the full resources of Her Majesty's Government and the Bank of England printing works in my home town of Loughton in Essex. We had to think carefully about the scope of the remedies that we should provide.

Our overall judgment is that the amendment, which would incorporate article 13, would not add anything much, but might create uncertainties. We see no particular reason to accept it.

Mr. Garnier: Does not that argument fly in the face of the terms of article 13, which concerns everyone's right under the convention to an effective remedy? The right hon. Gentleman's point about the public purse and defendants or respondents to complaints who do not have such a deep pocket suggests that some people will be denied an effective remedy. If article 13 is not incorporated, an effective remedy will be denied those who are not, for example, taking action against a Government or public body with a huge purse.

Mr. Straw: We do not believe that those people will be denied an effective remedy. Indeed, as I said, very few people have suggested that the remedies we are providing will be ineffective—however, they must be balanced and proportionate. Ultimately, as the right hon. and learned Member for North-East Bedfordshire rightly said, courts will have to take account of jurisprudence laid down by the court in Strasbourg.

I accept that we are arguing a fine point, but I suspect that, if the right hon. and learned Member for North-East Bedfordshire had been pursuing the Bill in government, as easily he could have been, he would have come to the same judgment as we did—that there is little point including in a Bill additional wording whose probable effect would be not to make any difference, but whose possible effect would be to add uncertainty.

That is our judgment on a fine point, and I accept that the right hon. and learned Member for North-East Bedfordshire may consider it a moot point. No doubt I have spoken less eloquently than the Lord Chancellor and others in the Lords.

Sir Nicholas Lyell: I am most grateful to the Home Secretary, who is speaking most clearly. I entirely agree that, with regard to damages, the Bill is perfectly straightforward, and that clause 8(4) expressly states that principles applied by the European Court of Human Rights should be taken into account.

What is to be made of the Lord Chancellor's statement in which he said:

> "My response to the second part of the question posed by the noble Lord, Lord Lester, is that the courts may have regard to Article 13."—[*Official Report, House of Lords*, 18 November 1997; Vol. 583, c. 477.]?

Lord Lester has taken that as Pepper *v.* Harting—if I may create a new verb—the result that he wants, allowing the courts to do what they could not otherwise do.

5 pm

The Home Secretary, not the Lord Chancellor, is in charge of the Bill. Will he clarify whether the courts are to be able to use the Lord Chancellor's words to have regard to article 13, or whether they should simply read the Bill, which makes no such reference? Of course, I mean no disrespect to the Lord Chancellor.

Mr. Straw: Me neither. I shall certainly talk to the Lord Chancellor, but I think that he had in mind no more but no less than the fact that the courts would apply clause 2(1), which says:

"A court or tribunal determining a question which has arisen under this Act in connection with a Convention right must take into account"—

not "have regard to"—

"any . . . judgment, decision, declaration or advisory opinion of the European Court of Human Rights . . . whenever made or given, so far as, in the opinion of the court or tribunal, it is relevant to the proceedings in which that question has arisen."

Of course, there is convention jurisprudence on article 13, as on other articles. Lord Lester made that point in respect of the Chahal case, which turned on article 13, and said that it would be taken into account and that regard would be had to it. That point is as much in our favour—suggesting that the specific inclusion of article 13 is unnecessary—as it is in the favour of the right hon. and learned Member for North–East Bedfordshire.

Sir Nicholas Lyell: I do not want to be tedious, but the Home Secretary will recognise that clause 2(1) concerns

"any . . . judgment, decision, declaration or advisory opinion",

while my question concerns whether the courts should have regard to article 13. I think that he is saying that he does not agree that the courts should have regard to article 13, as Lord Lester would have wished.

Mr. Straw: Let me try again to answer the point. The convention has been international law for 50 years, and any tribunal will consider the bare text of any original convention by considering the way in which its application has developed—there is, indeed, a requirement to do so—so, in practice, the courts must take account of the large body of convention jurisprudence when considering remedies. Obviously, in doing so, they are bound to take judicial notice of article 13, without specifically being bound by it.

That is my judgment about the way in which the law will work. I wish future Judicial Committees of the House of Lords luck in working through these debates. One sometimes wonders about the wisdom of the Pepper *v.* Hart judgment in terms of the work that it has given the higher judiciary. It is a fine point, but since we saw that there was no purpose, and indeed that there were some dangers, in including article 13, we thought that it was best omitted.

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross): Surely, if the Government had wished no consideration to be given to the jurisprudence that has developed on article 13, it would have been necessary to include a specific derogation from the provisions of clause 2(1). Without that derogation, it seems inevitable that how the courts have developed article 13 rights will be a matter that the court not only may consider, but ought to consider.

Mr. Straw: With respect, that is the point that I sought to make. The distance between us is small.

Mr. Garnier: If the Home Secretary agrees with the point just made by the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan), why not include article 13 so that there is no doubt? Then the House of Lords Judicial Committee would not have a Pepper *v.* Hart problem.

Mr. Straw: We think that it would create doubt. We believe that we are adequately covering the issue of remedies in clauses 3, 6, 7 and 8. We are specifically providing remedies that are understandable in English and Scots law. In determining whether a particular remedy is to be granted in respect of any action, the courts must interpret convention rights as laid down in clause 2.

If I may labour the point, we do not believe that incorporating article 13 adds anything positive to the Bill that is not already there; that covers the point about the courts having to take judicial notice of article 13 as a basic text without being bound by it. We believe that it could create unnecessary doubt, and that is why it is not sensible to accept the amendment, which I respectfully invite the right hon. and learned Member for North-East Bedfordshire to withdraw.

Mr. Denzil Davies (Llanelli): I see the logic in the arguments of both my right hon. Friend the Home Secretary and the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell). Let me refer first to my right hon. Friend's logic by saying that the convention is about rights, but has one article that says that courts should give effective remedies. Courts usually give whatever remedies they can. As far as I know, the county court cannot provide prerogative orders—at least, it did not used to be able to; perhaps it can now and I do not know it. There are certain cases in which injunctions can be granted under statute in the county court, but prerogative orders such as certiorari or mandamus are not normally issued by county courts.

Presumably, if an issue of convention rights appeared in a county court action, an English county court would not be able to grant certiorari or mandamus, although that would be an effective remedy under article 13. I understand why my right hon. Friend says that each court will grant the remedy that that court has the right to grant, but if there is a judicial review, it is unusual for the divisional court or, in civil cases, the High Court, to award damages. It can happen, but—I have not looked at the white book over the past 24 hours—it is very rare. Yet much of the work for lawyers that the incorporation of the convention will create—if it does—will be in judicial review. The High Court might declare in a judicial review case that an act contrary to the treaty was unlawful. That might not be an effective remedy. Damages might be more effective. Today, it is generally not possible to obtain damages. It may be that the declaration of unlawfulness is sufficient.

I am as baffled as—I do not say this in a derogatory sense—the right hon. and learned Member for North-East Bedfordshire was. I have read the House of Lords debates. I, too, am baffled as to why article 13 has been left out, if it does not make any difference.

My right hon. Friend the Home Secretary muttered something about the public purse and lots of money. He said that it might cost a lot. I understand that argument, but I cannot follow its logic because, according to the notes on clauses, people cannot receive more than £15,000 from the courts in Strasbourg, if anything at all. So damages are pretty restricted. I am not sure why my

[Mr. Denzil Davies]

right hon. Friend is worried on that front, unless damages over and above the normal remedies that would be given by a court, such as prerogative orders in the case of judicial review, could be sought as an effective remedy. In cases of trespass of land, one can obtain a judgment and penny damages. That might not be an effective remedy in some cases.

Does the provision mean that I cannot normally obtain more than a penny, but that if article 13 is incorporated, I can obtain at least up to £15,000, if that is thought to be an effective remedy? I am not sure whether the word "effective" means anything at all. I have not studied the jurisprudence of the convention or the cases. Perhaps it does.

We are told that we are not incorporating the convention into English law, but we are. If we are incorporating the convention into English law, I can well understand that if an action goes through the normal English, Welsh or Scottish courts, it is tidier to say that the court can grant only the remedy that that court can give in the generality of cases. It makes the position rather complicated perhaps, and fussy—I do not know—to enable, say, a county court to give a remedy in a case under the convention when the court cannot give the remedy normally.

Perhaps all this is a consequence of the Government's fiction. It is a fiction. We shall return to this subject later, but it is a fiction. The Government say that they are not affecting the sovereignty of Parliament; that they are not incorporating the convention; that they are not doing anything at all. It is a clever fiction. Lawyers understand fictions. We approve of fictions. We think that fictions are great things because lawyers have made a lot of money over the centuries from fictions. This is a fiction and a clever one.

I can see the logic of what my right hon. Friend the Home Secretary is saying within the terms of the fiction—that parliamentary sovereignty is not affected, we are not really incorporating it and that it will all be done under English law. If we look at the interpretation provisions, we have to interpret according to the statute unless it is clearly contrary to the terms of the convention. It is very well done, and we all understand that.

All that I am asking my right hon. Friend in this rambling, short intervention is what he means when he says that he is worried about the public purse. Is he worried that all those lawyers—all those fat cats who sit every day in the judicial review courts and make a lot of money—will obtain damages against local authorities, damages for misfeasance, damages against the Home Office and other Government Departments, over and above any mere declaration that might satisfy pride but does not help the pocket of the litigant?

I do not know whether my right hon. Friend intends to speak again. If he tells me that I am talking nonsense, I shall not be happy, but I shall accept it, so perhaps he could deal with the point that I have made.

Mr. Dominic Grieve (Beaconsfield): I listened carefully and with great interest to the comments of the right hon. Member for Llanelli (Mr. Davies). Although I approach the matter from a slightly different angle, I agree with him. I find a lack of logic behind the decision to exclude article 13 from the Bill. I listened carefully to what the Home Secretary had to say, and I understand the thrust of it. If it is the case, which it must be, that the courts will have to have regard to article 13, to exclude it from the text of the Bill but to infer that the courts will still have to have regard to it, must be a fertile field for argument and money for lawyers when human rights cases come to court.

I do not see how the article will cause exceptional problems if it is included in the Bill. It will be clear that where no domestic remedy may exist in damages, one will have to be created. That is something that the common law has been rather adept at doing for a long time.

5.15 pm

I am bound to say that when I was first contemplating how best to incorporate the European convention, it struck me that one way was simply to say that it was part of our common law, full stop, and leave it to the judiciary to formulate the remedies. That is what is being done—the Home Secretary may agree—with article 13. It is being left up in the air for the judiciary to make a formulation in so far as one may be required. It is in fact going to be part of our common law, but in a furtive way, as the right hon. Member for Llanelli said.

I find a lack of logic. It is perhaps an exercise in semantics, because the article will be included anyway when the time comes. However, when something is left out, we can rely on the fact that lawyers in court will latch on to it and formulate an argument that damages cannot be awarded. I can foresee a circumstance wherein the domestic remedy cannot be found in damages. Some court or other will say that it cannot award them. Then there will be the problem of going to appeal and possibly ending up in Strasbourg, when it is abundantly clear in the convention that an effective remedy of damages must be found. I question why article 13 is not included. I accept that at the end of the day it will be included by one means or another, but as we are trying to draft sensible legislation, I must raise a question mark.

I invite the Home Secretary not to give us an answer today but to go away and think about whether it would not be better to include the article in the Bill. Later we shall be discussing other areas in which we have tinkered around with the wording of the convention, some of which cause me far more disquiet, but I find it difficult to understand the logic behind excluding article 13.

Mr. Garnier: I wish briefly to pose a question or two to the Home Secretary. I could not agree more with what my hon. Friend the Member for Beaconsfield (Mr. Grieve) just said. I hope that the Home Secretary will allow us another opportunity to revisit this subject. We do not want to overdo the dancing on a pin, be it a stately saraband or a rock and roll, depending on which side of the argument one happens to be on.

The Home Secretary gave us two reasons for not incorporating article 13 in the Bill. First, he said that it would be duplication. Secondly, he said that it would create confusion and perhaps additional remedies that were not intended. I draw his attention to the terms of article 13:

"Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

The right hon. Member for Llanelli (Mr. Davies) asked about the jurisprudence on the word "effective" and we could sit here all night discussing what "effective" means, but I should like to bring the Home Secretary home—if I may use that expression—to clause 8(4), which deals with the way in which a court should determine whether to award damages. It states that, in doing so,

"the court must take into account the principles applied by the European Court of Human Rights in relation to the award of compensation under Article 41".

One can revolve around that for ever, but marry it up with the words "effective remedy" and envisage a case in which a citizen wishes to recover damages from a Government institution—in this country, the Crown.

I am sure that I shall be corrected if I am wrong, but as I understand the common law of England it is not possible to get exemplary damages against the Crown; one can get exemplary damages against a chief officer of police or in other circumstances, but one is not entitled to exemplary damages against the Crown. Article 13, whether or not it appears in the Bill, suggests that we should all be entitled to an effective remedy, but if that remedy involves an application for exemplary or punitive damages against the Crown to compensate, the complainant in such cases will be denied. It may be that I am completely wrong on that point, but I should be most grateful if the Home Secretary could either remove my confusion or, as my hon. Friend the Member for Beaconsfield said, allow us to return to the issue on another occasion.

Mr. Straw: Let me answer—I hope to their satisfaction, but perhaps not—the points that right hon. and hon. Members have raised. My right hon. Friend the Member for Llanelli (Mr. Davies) asked what the problem is and raised the issue of uncertainty. It was that uncertainty that concerned us when we sat down and came to a finely balanced judgment as to whether article 13 should or should not be omitted.

I should say that I am recommending that the Committee should not accept the amendment. I shall reflect on the arguments that have been advanced, because the point is needle fine—everybody is agreed on the objective; the question is merely one of how to achieve that objective. We have come to one judgment, but I would not for a moment suggest that that is because we on the Treasury Bench are possessed of better judgment on such matters than other right hon. and hon. Members, who have far greater experience of the law than I have.

My right hon. Friend the Member for Llanelli asked whether damages would ever be available. In paragraph 2.6 of the White Paper, we said:

"In some cases, the right course may be for the decision of the public authority in the particular case to be quashed. In other cases, the only appropriate remedy may be an award of damages."

The White Paper went on to make the point that the hon. and learned Member for Harborough (Mr. Garnier) made, which is that in considering an award of damages on conventional grounds, the courts are to take account of the principles applied, not so much by the convention, but by the European Court of Human Rights. In that way, people will be able to receive compensation from a domestic court equivalent to that which they would have received in Strasbourg. My right hon. Friend will know from the explanatory and financial memorandum to the Bill, on page iii, that the awards at Strasbourg

"tend to range from £5,000 to £15,000 and are not made simply because the Court finds a violation of the Convention."

Mr. Denzil Davies: I understand that, but it was my right hon. Friend who, quite properly, muttered about the public purse. What has the public purse got to do with the incorporation of article 13 if all those damages can be issued anyway? My impression is that he was saying that the Government were worried that, if they put article 13 in the Bill, it would cost far more money. My question is, how?

Mr. Straw: We might have been overworrying, but we did worry about the matter. My right hon. Friend was a Treasury Minister, so he will know that there is always concern about the financial effects of Bills, and quite right too. It is far more difficult to predict the financial effect of this Bill than of almost any other Bill coming before the House, because we are charting new waters and do not know exactly how it will develop. Our concern was to ensure that the courts applied themselves to the jurisprudence of the convention and that they did not, for example, develop awards of damages that exceeded the convention. It was for that reason that we took the view that the best way of applying article 13 in the context of incorporating the convention was to spell out in specific clauses how those remedies should be made available. Therefore, we take from article 13 that

"Everyone whose rights and freedoms . . . are violated shall have an effective remedy"

and then set out in the Bill what those effective remedies should be and how they can be accessed.

The hon. Member for Beaconsfield (Mr. Grieve) is to some extent right to say that the argument is about semantics and that it is probable that, at the end of the day, we shall have been arguing about a distinction without a difference. On balance, we came to the view that it was better and created more certainty to omit the precise text of article 13 from the Bill, but to apply it in the ways set out, not only in the clauses that provide for remedies, but through the force of clause 2. As I said, it is a finely balanced judgment.

Sir Nicholas Lyell: I am most grateful to the Home Secretary for giving way, because it gives me the opportunity to put to him the key point that is in my mind when deciding whether to withdraw the amendment.

I seek clarity in legislation. The Home Secretary invites me to withdraw the amendment that would insert article 13 into the Bill and I am minded to withdraw it, but I do not think that Parliament or the country should be left with article 13 having been kept out of the Bill—quite expressly, because the Committee has discussed it and I have withdrawn the amendment—but, at some later date, it being said to be effectively within the Bill because of things that Ministers said in the course of the debate. If the right hon. Gentleman can give me the assurance that we are legislating by black-letter law on the face on the Bill and not by what one can cull from the pages of *Hansard*, I shall feel much happier about withdrawing the amendment.

Mr. Straw: As far as I am concerned, we are indeed legislating by black-letter law on the face of the Bill.

[Mr. Straw]

We could have a separate debate about the wisdom of the decision in Pepper *v.* Hart: I know why the Judicial Committee made that decision and, to some extent, there is common sense in seeking to tease out the meaning of words where they are ambiguous, but I have always taken the view that what Parliament passes is not what Ministers say, but what is on the face of a Bill. That is of profound importance to the manner in which we make legislation.

I invite the right hon. and learned Gentleman to withdraw his amendment, but I shall certainly reflect on what he and others have said. At the very least, I shall write to all the right hon. and hon. Members who have spoken, following my reflections.

Sir Nicholas Lyell: I am most grateful to the Home Secretary. On the basis of what he has said, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Kevin McNamara (Hull, North): I beg to move amendment No. 111, in page 1, line 9, at end insert

'and—

(c) Articles One and Two of Protocol Number 6,'.

The Chairman: With this, it will be convenient to discuss amendment No. 112, in schedule 1, schedule 1, page 19, line 23, at end insert—'*PROTOCOL No. 6*—

ARTICLE 1

THE DEATH PENALTY SHALL BE ABOLISHED

ARTICLE 2

A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions. The State shall communicate to the Secretary General of the Council of Europe the relevant provisions of that law.'.

Mr. McNamara: The amendment would insert in the Bill the sixth protocol of the European convention on human rights and, in particular, its first two articles. Article 1 of the sixth protocol states:

"The death penalty shall be abolished. No one shall be condemned to such penalty or executed."

Article 2 of the sixth protocol states:

"A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall applied only in the instances laid down in the law and in accordance with its provisions. The State shall communicate to the Secretary General of the Council of Europe the relevant provisions of that law."

The Committee knows that, as a House, we abolished the death penalty for a trial period in 1965. That was made permanent in 1969 for this island and in 1973 for Northern Ireland.

There remained on the statute book two crimes which carried the death penalty: treason and piracy. However, as a result of an amendment, tabled in another place by Lord Archer of Sandwell, to clause 33 of the Crime and Disorder Bill, those crimes were removed from the statute book. That clause has passed through the Committee of the House of Commons and, although challenged, remains. By free vote of the House, we have taken a matter which everyone has regarded as a matter of conscience—the death penalty—out of our normal civil law.

5.30 pm

There are two international conventions dealing with capital punishment. The first of those is the one to which I have referred—the sixth protocol of the convention on human rights of the Council of Europe. The other is the second optional protocol to the international covenant on civil and political rights, which also provides for abolition of the death penalty, while allowing states wishing to do so to retain the death penalty in wartime—although I have been told, in reply to a parliamentary question, that the Ministry of Defence is now considering the whole matter of military penalties.

The sixth protocol has been ratified by 28 European states and signed by four others. It has been signed by all the members of the European Union except the United Kingdom, and has been ratified by 12 member states. The second optional protocol of the ICCPR has been ratified by 32 states and signed by four others.

I find the present position of Her Majesty's Government difficult to understand. I should have thought that, now that those matters have been removed from the statute book, Her Majesty's Government would have rushed to sign the sixth protocol—or at least, as it is a matter of conscience, encouraged hon. Members to act in that regard.

When Estonia, the most recent country in the Council of Europe to ratify the sixth protocol, did so in March 1998, the United Kingdom presidency issued a declaration welcoming the recent decision. It said:

"The EU welcomes the recent decision of the Estonian Parliament to ratify protocol number six of the European Convention for the Protection of Human Rights, thereby abolishing the death penalty. This is a significant step forward on the eve of the opening of Estonia's accession negotiations to join the EU. It reinforces Estonians' commitment to the promotion of human rights".

Last month, the United Kingdom co-sponsored, with 63 other states, the resolution at the United Nations Commission on Human Rights. It called on all states parties to the ICCPR that have not already done so to consider acceding to, or ratifying, the second optional protocol, and called on all states that still maintained the death penalty to establish a moratorium on executions with a view to completely abolishing the death penalty. That was an advance, because in 1997 the UK Government had abstained on a similar resolution.

The problem is, how can the Government welcome other countries ratifying the sixth protocol but not ratify it themselves, and how can the Government urge other countries to ratify the second optional protocol to the ICCPR but not ratify it themselves?

Following last year's general election, our new Government reviewed the United Kingdom's position on the death penalty, in preparation for the summit of the Council of Europe at Strasbourg in October 1997. As a result of that review, the Government supported the final declaration, which called for universal abolition of the death penalty. In a written answer to me on 19 January, the Prime Minister said:

"The Government have supported international calls for the abolition of the death penalty because Parliament has consistently voted against re-introduction of capital punishment for murder."—[*Official Report*, 19 January 1998; Vol. 304, c. *401*.]

In a letter to David Bull, director of Amnesty International UK, dated 28 November, my right hon. Friend the Foreign Secretary said:

"Our new stance will make a real difference in allowing us to make demarches on the death penalty to other countries, either alone or with our EU partners".

However, he went on:

"The Government continues to believe that the issue of whether the death penalty should be reintroduced for murder is a matter for Parliament on a free vote and has no plans to change that approach. We have no plans, therefore, to accede to the 6th Protocol to the ECHR, or the 2nd Optional Protocol to the ICCPR."

On that basis, given this opportunity, we would expect to have a free vote. Perhaps when the Under-Secretary, my hon. Friend the Member for North Warwickshire (Mr. O'Brien), replies to the debate—or now—he will tell the Committee that the Government do not intend to put in any Whips against this amendment.

Mr. Grieve: I am much obliged to the hon. Gentleman for giving way, because I have been trying to follow his argument. At the outset he said, properly, that the issue of capital punishment is one for conscience and a free vote, and at any time it chooses the House can debate that issue as it relates to individual instances—whether it be treason or piracy or whether the death penalty should apply in wartime—but would not the effect of what he proposes be to fetter the ability of Parliament to express its conscience?

If we accept the protocol as the hon. Gentleman seeks to admit it, it would no longer be open to Parliament to debate that issue without, effectively, throwing out the whole European convention, lock, stock and barrel, or at least changing it. Acceptance of the protocol would introduce an extra hurdle, which fetters Parliament's ability to express its conscience on a matter which, I am sure that he will agree, is of widespread public importance, and often discussed.

Mr. McNamara: I shall come to that point later.

Mr. Chris Mullin (Sunderland, South): I have asked the Whips, and I understand that this is a free vote.

Mr. McNamara: Has my hon. Friend been told that there will be no Government Whips on the Doors or taking the count?

Mr. Mullin: I have been told that this is a free vote.

Mr. McNamara: I am grateful for that. The impression that one always had about a free vote was that the Government did not put in Whips. Perhaps the Minister will rise and tell us that the Government will not put in Whips.

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): In due course.

Mr. McNamara: In due course he will rise and tell me that they are not putting in Whips. I am afraid that I did not catch my hon. Friend's last comment from a sedentary position; would he care to repeat it? No; he would not like to do so.

Responding to a similar amendment moved by Lord Archer of Sandwell in another place, the Minister, Lord Williams of Mostyn, said:

"The Government's view has been that the issue of the death penalty . . . is a matter of judgment and conscience to be decided by Members of Parliament as they see fit. I believe that all political parties have taken a view on that particular aspect which is different from other human civil rights. Therefore, if we ratified Protocol 6, we could not reintroduce the death penalty for murder, short of renouncing the convention."—[*Official Report, House of Lords*, 18 November 1997; Vol. 583, c. 504-05.]

That is splendid. I suppose that every conscience will flick over just like that, to change its position.

That is particularly interesting on the basis of the point made by the hon. Member for Beaconsfield (Mr. Grieve) about the constitutional principle. Paragraph 4.13 of the excellent White Paper, "Rights Brought Home: The Human Rights Bill", states:

"The view taken so far is that the issue is not one of basic constitutional principle but is a matter of judgement and conscience to be decided by Members of Parliament as they see fit."

Suddenly, out of the air, a strange constitutional principle that one Parliament cannot bind another is produced. That is what we all accept, except that we also say that we are not bound by what went before and can change it if we will.

The hon. Gentleman said that that goes in favour of future Parliaments, but that is not the case. A future Parliament can, if it wishes, change precisely what we are seeking to do today, and that will have ramifications. It can be debated in the House. That can be applied to any international agreement that we have made. It applies directly to the EU and other matters that we have conceded. We could vote tomorrow—I am sure my right hon. Friend the Member for Llanelli (Mr. Davies) would want us to do so—to take back many of the powers that we have given the Commission, such as the powers that we have surrendered with regard to majority voting. We could pass that legislation tomorrow. We can, if we wish, bring back the European Communities Act 1972. It would have profound and difficult ramifications and the hon. Gentleman is entering deep waters, but his argument does not stand up.

Mr. Grieve: Surely that is precisely the point. As is generally well known, I favour incorporation of the convention. However, the hon. Gentleman may agree that he is making life complicated for himself quite unnecessarily. He may agree that the subject commands much emotion and diverse views, but he is seeking by the amendment to entrench the matter in a way that will fetter Parliament when there is no necessity to do so.

Mr. McNamara: With the greatest respect, we are not fettering Parliament. We are saying that this is a decision of this Parliament. We are not saying that a future Parliament cannot change it. It will do that in the knowledge of the necessary consequences of what it does.

Mr. John Bercow (Buckingham): I have been following closely the logic of the hon. Gentleman's argument, bizarre though it seems to me. If the hon. Gentleman is confident that a future Parliament would not seek to reinstate the death penalty, of what precisely in the present arrangement is he afraid? If, on the other hand, he fears that a future Parliament might seek to re-establish

[Mr. John Bercow]

the death penalty, is not his effort today designed to prevent a future House of Commons from doing just that? Therefore, is not my hon. Friend the Member for Beaconsfield (Mr. Grieve) right when he says that the hon. Gentleman is seeking to fetter and circumscribe the sovereign omnicompetence of the House of Commons?

Mr. McNamara: In the House, sovereignty has long since slipped away on many issues. One must recognise that. Whether one is happy about it or not, it has happened on a range of issues. I shall not bore the Committee with examples. I do not object to what has happened in that regard—it is not a problem for me—but why can all the other members of the EU happily sign protocol 6 without finding the argument advanced by the hon. Member for Beaconsfield and others particularly onerous?

To me as an abolitionist, and I should have though to other abolitionists, what the hon. Gentleman says is a powerful argument for incorporating the protocol. Bearing in mind those crimes that were subject to capital punishment before 1965, and all those miscarriages of justice of which we have had a calendar in the past two decades, it would be just as well if we were fettered in that way.

Mr. Bercow: Will the hon. Gentleman give way?

5.45 pm

Mr. McNamara: No, I shall not do so for a moment, because we have exhausted that part of the argument.

I come finally to a matter that caused the amendment to be signed not only by me but by those of my hon. Friends who are part of the British delegation to the Council of Europe, as well as by other of my hon. Friends. Just before Christmas, a country that is a member of the Council of Europe was responsible for a series of secret executions. The families of those executed were not informed of either the date or the place of the executions until considerably later.

In January, the Council of Europe was concerned with ratifying the credentials of the members of that country's Parliament who had signed and accepted the Council of Europe's charter and convention. The British delegation was strong in its demand to know how people who had flouted undertakings that they had given to the Council of Europe could remain within a parliamentary assembly. We were well supported by representatives from all parties in this House and from other Parliaments on the issue. That country was forced to change its attitude, to stop its executions and to give undertakings from which its people would benefit.

However, in making the argument that we had not murdered or executed anyone for nearly 50 years—perhaps a little less than that—we were continually told that we had not even signed protocol 6. At that time, the death penalty for treason and piracy remained on the statute book. We shall not always be in that position.

The Government's position is inconsistent and contradictory. We welcome other countries' ratification of death penalty protocols and we urge them to do so, we call for the universal abolition of the death penalty, but we refuse to accede to the death penalty protocol itself. We do that so that Parliament can reintroduce the death penalty. That is the nature of the argument.

Therefore, in the interests of our international standing and consistency, I urge the Committee to take on board what the Home Secretary said in the White Paper—that this is a matter of conscience to be decided by Members of Parliament as they see fit. I reiterate the point that I made earlier: that the view taken so far is that this issue is not a matter of basic constitutional principle.

Mr. Maclennan: I have much sympathy with the arguments that have just been deployed by the hon. Member for Hull, North (Mr. McNamara). I take issue with the view that the death penalty is not a constitutional issue. If the Government deploy that argument against the amendment tonight, their argument will be flawed. In the Bill of Rights of the United States, there are provisions that have been variously interpreted by the Supreme Court of the United States as both allowing and not allowing capital punishment, but that they are constitutional issues is not in doubt.

It is inconsistent with that argument that in the Bill we are incorporating article 3 of the European convention, which proscribes cruel and unusual punishment. Many people would take the view that capital punishment was clearly proscribed by that article. Capital punishment as conducted in several countries would unquestionably be ruled out by article 3.

Protocol 6 is a belt and braces measure, which we should adopt and support as a nation to put beyond doubt our abhorrence of capital punishment. It is particularly appropriate to do so at a time when the United Kingdom is seeking to exert its moral authority to bring about political reform, and using other countries' attitude to capital punishment as a litmus test of whether reform is sufficiently under way to merit new relationships with them.

I have great sympathy with the objectives of those who support the amendment, but I have some doubt about whether it is appropriate as a means of ratifying the protocol. I would have preferred the Executive to announce their intention to ratify the protocol and, as a consequence of that decision, to include it in the Bill. I agree with the hon. Member for Hull, North. To say that it is simply a matter of judgment and conscience to be decided by Members of Parliament as they see fit is to misunderstand the concerns of constitutional law and is inconsistent with our acceptance of article 3 of the European convention.

Mr. Grieve: I listened with great care to the hon. Member for Hull, North (Mr. McNamara), and I appreciate the sincerity of his desire not only for capital punishment to be abolished for all offences—in practice, it is not in operation in the United Kingdom—but for us to sign up to the international obligation under protocol 6, which hitherto no Government have done.

No Government have done so because the matter remains one of intense public debate in this country. It is a matter of conscience for Members of Parliament. As we all know from going out into our constituencies, it is also a matter on which the public may have substantially different views from the majority in the House. That has been consistently shown by every opinion poll taken on the subject over many years.

My complaint about the manner in which the amendment is being introduced goes not to the right of the House to legislate on the issue, but to the fact that

I—although not necessarily all members of my party—have been a proponent of incorporation, based on our obligations under the European convention as it now stands, to which we have signed up.

If the consequence of the amendment is that the scope of the convention is altered without the opportunity for adequate public debate, I fear that we shall forfeit the regard of the public in respect of this proposal. Because I am in favour of the proposal and have made no secret of it, that particularly disappoints me.

There is ample scope for those who share the hon. Gentleman's view to raise an Adjournment debate and to lobby Ministers to sign up to protocol 6. That should be the subject of legitimate public debate, because it has a knock-on effect on the ability of the House to review the position, as it has traditionally done, once every Parliament. I fear that, if we start to go down that road when there is no necessity to do so, the public will ask what Parliament has done.

Mr. McNamara: On the matter of lobbying, on Second Reading of the Crime and Disorder Bill, I intervened and asked my hon. Friend the Minister of State about that. He replied:

"As my hon. Friend is well aware, that is covered by the Human Rights Bill rather than this Bill."—[*Official Report*, 8 April 1998; Vol. 310, c. 451.]

As urged by my hon. Friend, I have raised the matter now.

Mr. Grieve: I find the logic of that statement rather difficult to follow. Of course it is possible for us to extend the abolition of the death penalty for murder to every category that remains on the statute book, and once every Parliament we can review the matter and have a vote, and there will be public debate in the country at large on the matter. We can ratify the protocol, and there will be public debate on that.

I return to the point that to do that through an amendment, which is unexpected as it did not arise from public debate, would be remarkable and undesirable. Far from encouraging acceptance of the principle of incorporation, it will tend towards the opposite effect. I am not surprised, therefore, that Ministers may have had some anxiety and doubts on the subject. The question of the death penalty, the morality of it and the issue of conscience are all legitimate matters for debate. Although we have never ratified protocol 6, we have never breached it because there has been no need to do so. In peacetime, that would be extremely unusual.

If we accept the amendment, we are usurping the right of the citizens of this country to pronounce on the issue, and we are doing so for no good reason. It will vitiate the effect of the Bill, which is in other ways so desirable. I understand why the amendment was tabled, but I ask the hon. Member for Hull, North to reconsider, and I ask all hon. Members to consider carefully whether, even if they support the intention behind the amendment, this is the proper way to achieve it.

Fiona Mactaggart (Slough): I find the two arguments against the amendment extremely disappointing. The second, articulated by the hon. Member for Beaconsfield (Mr. Grieve), is that the amendment is unfair because we did not know that it was coming up. I remind the hon. Gentleman that I raised the matter on Second Reading. I argued that we should sign the protocol as part of the incorporation of the European convention. My hon. Friend the Member for Hull, North (Mr. McNamara) intervened to ask me whether I was suggesting that we should sign the protocol, and I confirmed that. If those who think that we should not do so are now claiming that this is an ambush, they have not been doing their job properly.

Mr. Grieve: I am not suggesting that it is an ambush on me, or on others of us who may object to incorporation. This has consistently been a subject of legitimate public debate for many years. The proposal will make continuing public debate and the possible review of previous decisions made by Parliament extremely difficult without serious knock-on effects. We shall not be lightly forgiven by the public if we go down that road.

Fiona Mactaggart: The hon. Gentleman has joined the two arguments. The second argument relates to the ambush and the first asks what is the important part of the British constitution. Is it the right of the House to determine this issue once every Parliament or is it re-fashioning the constitution—on the basis of which the Labour party was elected—to reconstitute the constitutional settlement in the United Kingdom? Many people believed that we would not do that, but we have demonstrated our determination to re-fashion the constitution of the United Kingdom vigorously during this Parliament.

Mrs. Eleanor Laing (Epping Forest): Does the hon. Lady seriously suggest that it is not the prerogative of the United Kingdom Parliament to decide the criminal law and criminal penalties for this country?

6 pm

Fiona Mactaggart: I am suggesting that we should re-fashion the constitution to base it on the concept of human rights. If we do that by incorporating the European convention on human rights into United Kingdom law, we shall be saying that the people's fundamental human rights are more important than the right of Parliament to debate those issues.

Mr. Bercow: I must say, in all candour, that if the hon. Lady thinks that the constituents of Slough sent her to Parliament because they were hoping for a re-fashioning of the constitutional settlement, she is deluding herself. Is she so persuaded not only of the rectitude of her case, but of the public support for it, that, in her address during the election campaign, she told her potential constituents that she would vote permanently to deny the House of Commons the entitlement to re-establish the death penalty if it wished to do so?

Fiona Mactaggart: Like that of the hon. Gentleman, my election address was relatively brief. I did not inform the good voters of Slough of everything that the Government would do. However, in my speeches and in my conversations with the voters of Slough, I made absolutely clear my commitment to the incorporation of the European convention on human rights and to a human rights-based constitution. The hon. Gentleman may ask any voter in my constituency about the degree to which I did that. I am not ambushing my constituents: I made it

[Fiona Mactaggart]

clear that I believed that centring the constitution on the human rights of the people was an important change in the governance of the United Kingdom.

In international human rights law, the most fundamental human right is the right to life. The first right referred to in article 2 of the convention is the right to life, which can be derogated in certain circumstances—through the death penalty, for example. The third article in the convention refers to the right to freedom from inhuman and degrading treatment.

If we believe in protecting the rights of the citizen and in using international human rights instruments to do that, we have a responsibility to protect the citizen from judicial murder. We have an opportunity today to sign a protocol that entrenches the abolition of the death penalty in peacetime, and I believe that the time has come to do that. I thank my hon. Friend the Member for Hull, North for giving us the opportunity to become a public part of the international community of states that have rejected the death penalty because they respect the human rights of their citizens.

Mr. Garnier: I shall not detain the Committee for long. "Shocked" is perhaps too grand a word to use to describe my reaction to the speech by the hon. Member for Slough (Fiona Mactaggart). It is interesting to note that the hon. Lady referred to "re-fashioning" the constitution and to "entrenching" the abolition of the death penalty in peacetime. I candidly admit that I voted not to reintroduce the death penalty every time I had a chance to do so in the last Parliament. When I was selected in 1989-90 to contest the seat of Harborough on behalf of the Conservatives in the 1992 election, I told my constituency association that I opposed the death penalty for murder. Nothing that I have heard or learnt in the intervening period—until today—has persuaded me that it should be reintroduced into our civil criminal courts for murder convictions.

As I said on Second Reading not so long ago, while I oppose the death penalty in run-of-the-mill murder cases, I am not convinced that we should abandon the state's right to impose the death penalty in time of war. Some people may claim that my approach is contradictory, but I believe that special circumstances apply during a state of emergency and during times of war.

Fiona Mactaggart: Under the sixth protocol, there is a requirement to abolish the death penalty only during time of peace and not during time of war.

Mr. Garnier: The hon. Lady is perfectly right. However, article 2—which she will find on page 15 of the Bill—states:

"Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law."

The convention makes the death penalty available for murder convictions or other offences during time of peace. Therefore, there are inconsistencies in the convention with which the hon. Lady must come to terms, as will I.

It is not necessarily the fault of the hon. Member for Hull, North (Mr. McNamara) that his amendment is inconsistent. The reason for that can be found in articles 1 and 2 of the sixth protocol. As the hon. Lady pointed out correctly, article 1 states:

"The death penalty shall be abolished. No one shall be condemned to such penalty or executed."

That seems fairly definite—we could not claim that it is ambiguous. However, article 2 of the sixth protocol says:

"A State may make provision in its law for the death penalty in respect of acts committed in time of war".

We must read that article in conjunction with the article to which I referred previously to appreciate my point about internal inconsistencies within the convention.

Mr. Barry Gardiner (Brent, North): I hesitate to intervene, as I entered the Chamber only recently. However, I understand that article 2 refers to extra-judicial killings and thus should not be interpreted in the way in which the hon. and learned Gentleman has done.

Mr. Garnier: I am not so sure that I understand the concept of the lawful extra-judicial killing, but perhaps the hon. Gentleman may explain it to me later if he catches your eye, Mr. Lord. If he thinks that extra-judicial killing means killing in the heat of war, he is very much mistaken, because that is not what the articles are about.

The hon. Member for Hull, North is premature in moving this amendment. For reasons of his own—he is a well-known advocate of the cause that he advanced today—he is getting ahead of another piece of legislation, the Crime and Disorder Bill. That legislation will give every hon. Member a chance to exercise his or her conscience and vote one way or the other on the question of abolishing the death penalty. I believe that the provisions in that Bill go far beyond what the hon. Gentleman seeks to introduce into law today through his amendment.

I shall be in a degree of difficulty over the Crime and Disorder Bill, which seeks to abolish the death penalty for military crimes or crimes against the state during the course of war, which I would disapprove of, while I wholly approve of the non-return of the death penalty for murder.

Mr. McNamara: Article 13 does not affect legislation for the armed forces. It affects only specific legislation that is contained within the article.

Mr. Garnier: I am sorry, but I did not hear the first part of the hon. Gentleman's intervention. The simple point is that there will be an opportunity for Members to exercise their conscience on the question of the death penalty shortly. The hon. Gentleman said as much in a response to an intervention from, I think, my hon. Friend the Member for Buckingham (Mr. Bercow). The hon. Gentleman is attempting to stymie or snooker the Committee into reaching a conclusion today on a decision that it will have the opportunity fully to debate in due course.

This evening, we do not have very much longer to discuss the mammoth subject before us. I applaud the hon. Member for Hull, North for raising the subject, but I think that he has chosen the wrong day and the wrong time.

Mr. Douglas Hogg (Sleaford and North Hykeham): I am listening to my hon. and learned Friend's argument with care. Let us say that the House of Commons decides on a subsequent occasion to approve the motion that the death penalty in its entirety should be abolished. Is my hon. and learned Friend saying that at that point, and because of that vote, it would be right to ratify the sixth protocol, or is he saying that this matter should always be left at large so that the House of Commons could at some stage reintroduce the death penalty if it so chose?

Mr. Garnier: Probably the best way at this stage in which to answer my right hon. and learned Friend's question is to invite him to read clause 1(4), which allows the Secretary of State to amend the list of protocols contained in the Bill. I have no doubt that if the House of Commons decides in future to accept the Government's proposals as set out in the Crime and Disorder Bill, the Under–Secretary of State and the Home Secretary will want to examine clause 1(4) to see what they should do about it. I am not suggesting that we should get ahead of ourselves. When we have an opportunity to debate the military or wartime death penalty, we should allow that debate to proceed in an orderly way, rather than dealing with the issue in a short debate this afternoon.

The hon. Members for Slough and for Hull, North candidly admitted that they wanted to prevent further discussion. They want to ensure that the matter is dealt with here and now, subject to the procedures of the House of Commons and of another place in reviewing what we have done. As I have said, I disagree with them. Their attempt, though no doubt well intended, is wrong and should not be acceded to.

I am interested in the Government's proposals for whipping Members such as the hon. Members for Slough and for Hull, North. No doubt we shall hear about them in a moment. I am sure that the hon. Gentleman will do precisely as he wants. Why should he not? He was elected to this place to make up his own mind on the various matters that come before us. The hon. Lady is newer to this place, and she may be receiving advice shortly on her pager.

I have no doubt that this is an amendment that should not be accepted by the Committee, irrespective of the sincerity of the hon. Member for Hull, North and that of his hon. Friends who have put their names to it.

Mr. Gareth Thomas (Clwyd, West): I support the amendment because it is morally right. It enhances our international prestige as a country and removes the inconsistencies that were so graphically illustrated by my hon. Friend the Member for Hull, North (Mr. McNamara). I congratulate him on instigating such an important debate on a vital issue.

I direct the attention of the Committee, and particularly that of my hon. Friend the Under-Secretary of State, to clauses 19(1) and 10(2). I am interested to hear the ministerial response in explaining the effect of these two provisions. As I understand it, the argument advanced against the amendment is that it would tie the hands of future Parliaments in having a substantive debate on the issue of abolition. As has been said, that is an issue of great concern. However, public opinion can change. It could demand that a measure be introduced into the House of Commons to reinstate the death penalty.

6.15 pm

Under clause 19(1)(b), it seems that, even if a Minister comes to the House of Commons to present a Bill reinstating the death penalty, there will be discretion. Even if it is determined that there is incompatibility between that Bill and the Bill that is before us, the Minister will have a residual discretion to go ahead. Clause 19(1)(b) provides that, in the event of incompatibility, the Secretary of State may say that, although he is unable to make a statement of compatibility, the Government nevertheless wish the House of Commons to proceed with the Bill.

I am saying that the drafting of the Bill does not preclude a substantive debate on that issue. Clause 10(2) deals with the remedial procedure in the event of a court declaring that an Act is incompatible with convention rights. It imports in terms the word "appropriate". There is an element of discretion in the hands of the Government to allow a substantive debate on the substantive issue. The point made ably by Opposition Members is, in my view, answered if their real concern is to protect the sovereignty of Parliament. I shall be most interested to hear the ministerial response to that.

Mrs. Theresa May (Maidenhead): I was interested in this matter as I approached consideration of the Bill in Committee. I listened with interest to the hon. Member for Hull, North (Mr. McNamara), especially because his views on the issue were contrary to those of the Government, which had been expressed in another place and set out in the White Paper. I was disappointed in the hon. Gentleman's speech because, although he was speaking with considerable sincerity about a cause that he believed in with some passion, I found it difficult to follow the logic of his arguments. I sympathise with the hon. Gentleman to the extent that it appears that it was suggested that he should bring the matter forward in this debate by the Minister. However, I found that some of his answers to interventions from my right hon. and hon. Friends did not tie up with his earlier comments.

Mr. McNamara: May I assure the hon. Lady that, irrespective of whether my hon. Friend the Minister had made the suggestion—the way in which he spoke suggested that he was not exactly encouraging me to bring the matter forward—I tabled the amendments because they had been well aired in the other place as well as on Second Reading.

Mrs. May: I am grateful to the hon. Gentleman for that, clarification, although he indicated earlier that it had been suggested that the matter should be brought forward this evening.

Mr. Bercow: My hon. Friend has hit the nail on the head with uncanny precision. Is not an example of the inconsistency of the contribution of the hon. Member for Hull, North (Mr. McNamara) his belief that he and his hon. Friends should have the right to exercise their consciences to vote for the amendment, and thereby permanently prevent the return of the death penalty, while simultaneously seeking to deny the right of a future House of Commons to exercise its conscience in a direction with which the hon. Gentleman happens to disagree?

Mrs. May: As ever, my hon. Friend has, with his usual perspicacity—*[Interruption.]* I think that hon. Members

[Mrs. May]

know the word that I was looking for, which is entirely appropriate when describing my hon. Friend. He hit the nail on the head in picking out a particularly illogical comment made by the hon. Member for Hull, North. In response to an earlier intervention by my hon. Friend the Member for Beaconsfield (Mr. Grieve), he said that he did not want to fetter Parliament and that this issue was not about fettering Parliament. As my hon. Friend pointed out, he went on to make it absolutely clear that he intended to fetter Parliament, and he was supported by the hon. Member for Slough (Fiona Mactaggart), who made it clear that she wanted to entrench this provision and thereby fetter Parliaments of the future.

Mr. David Lock (Wyre Forest): I apologise for interrupting the flow of praise to the hon. Member for Buckingham (Mr. Bercow). It is nice to hear him praised occasionally; I am sure that he appreciated it.

If the hon. Lady wants seriously to argue that future Parliaments will have no opportunity to intervene, I shall be interested to hear how she answers the detailed and wholly accurate point made by my hon. Friend the Member for Clwyd, West (Mr. Thomas), who explained precisely why that was not the case. I look forward to hearing her explain why he is wrong.

Mrs. May: I was making a point about the illogical comments of the hon. Member for Hull, North. He and Ministers said that they intended and hoped to fetter future Parliaments on the issue of the death penalty. I refer the hon. Member for Wyre Forest (Mr. Lock) to the fact that the Minister in the House of Lords, Lord Williams of Mostyn, said that it was not simply a theoretical question of whether future Parliaments would be able to consider this issue and take a decision, but that,

"if we ratified Protocol 6, we could not reintroduce the death penalty for murder, short of renouncing the convention".—[*Official Report, House of Lords*, 18 November 1997; Vol. 583, c. 504-5.]

That is my concern.

I am also concerned that this afternoon's debate is not about the death penalty. Although it is entirely right and proper that the Committee should have such a debate—as it happens, my views on the death penalty are similar to those expressed by my hon. and learned Friend the Member for Harborough (Mr. Garnier)—I believe that the House of Commons has the right to decide, when hon. Members wish, whether the death penalty should be reintroduced or whether it is appropriate to have it within our legislation for circumstances that still exist. We shall have a proper debate on the death penalty when we discuss the Crime and Disorder Bill. However, that is not what this afternoon's debate is supposed to be about.

I am worried about what will happen. A future debate in terms of this amendment would not simply be about whether the death penalty was right; it would be about the wider issue of the convention. Any decision taken would not simply be a decision on the death penalty. I agree with the Government in their "Rights Brought Home" paper that this is a matter of judgment and conscience, to be decided by individual Members of Parliament as they see fit, and that it should not be regarded as part of the broader issue of whether the convention as a whole is correct. That is precisely why it is important to retain the right to bring the issue of the death penalty before the House of Commons. Future Parliaments must not be fettered in that respect, which is why I shall not support the amendment.

Mrs. Maria Fyfe (Glasgow, Maryhill): I add my congratulations to my hon. Friend the Member for Hull, North (Mr. McNamara) on introducing the amendment. I had not intended to speak until I heard a Conservative Member argue that there was no point in supporting the amendment on the ground that it was of no practical relevance because no executions had taken place in this country for some decades.

Let me respond by saying that we should not be so insular. The issue has practical relevance in other countries. Many of us are regularly contacted by Amnesty International asking us to take up the case of someone in danger of being executed, and it would certainly help us to have more moral authority in such questions if we were to sign the protocol. It would show that we rejected any possibility of going back to exercising the death penalty in peacetime.

I have not read the debate in the other place, and the acoustics in the Chamber made it hard to hear tonight exactly what the Opposition's reasoning was. What I seemed to pick up was that they thought that the proposal was all right in principle, but not yet. If that is the case, I should like to hear more from the Government about their reasoning because I think that the amendment should be supported, if possible tonight.

Mr. Hogg: The arguments are more finely balanced than some of my right hon. Friends have suggested. However, my conclusion is that we should not sign up to the protocol, and I am therefore against the amendment.

The narrow question is whether it is right permanently to exclude this House's ability effectively to reinstate the death penalty. I can think of no foreseeable circumstances in which I would support the restoration of the death penalty and I have voted against it on many an occasion. That, however, is not conclusive of the issue, because we must ask ourselves whether we should exclude from the powers of the House the ability to take such a decision.

As my hon. Friend the Member for Maidenhead (Mrs. May) said, the noble Lord Williams of Mostyn in the other place said—I believe correctly—that, if we signed up to protocol 6, the House could not reinstate the death penalty without derogating from the convention. Therefore, if we accept the amendment, the House will no longer have the ability to reinstate the death penalty. Although I shall always oppose such a measure, it would not be right to exclude it from the range of powers available to the House.

Mr. Maclennan: I am surprised to hear the right hon. and learned Gentleman throw his weight behind the view that the signing of the protocol would permanently exclude the possibility of the House returning to the issue. He was a member of a Government who derogated from provisions of the convention to deal with the position, as they saw it, in Northern Ireland. By his argument, that matter might have been considered to be beyond the consideration of this House—it was not.

Mr. Hogg: I have considered, and I accept, the advice given in the other place by the noble Lord Williams of

Mostyn on this matter, which received a great deal of support in that place. Even if he were not right, if we sign up to the protocol we shall exclude the House from the ability to reintroduce the death penalty. Therefore, either because of a finding of law or because of the reality, the House could not do that. Although I can think of no circumstances in which I would wish the House to do that, it is wrong in principle to preclude it from doing so.

Dr. Norman A. Godman (Greenock and Inverclyde): May I offer my compliments to my hon. Friend the Member for Hull, North (Mr. McNamara) for introducing the amendment? I also offer my compliments to the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) for his intervention a minute ago, when he reminded the Committee of what this Government have done in the past—

Mr. McNamara: That Government.

Dr. Godman: Yes. That lot when they were in office—those whom I now facetiously call the English rural party. The right hon. Gentleman was right to point out what they did on the question of Northern Ireland.

I say to hon. Members and to my hon. Friend the Member for Slough (Fiona Mactaggart) that, throughout my time as a Member of Parliament, my constituents have known where I stand: four square against the death penalty. I have conveyed that perspective to them at public meetings and through the columns of that august journal, the *Greenock Telegraph*.

When the hon. and learned Member for Harborough (Mr. Garnier) talked about military executions, a shiver ran down my back, because I oppose military executions and the imposition of the death sentence on soldiers and others by courts martial. I gained experience of courts martial, albeit it many years ago in my mis-spent youth, because I was in the Royal Military Police. Although the cases that I was involved in were not serious, I have said in the House over and over again, especially during the passage of the Armed Services Bill, which is a quinquennial event, that I have no trust in our system of courts martial.

6.30 pm

When the hon. and learned Gentleman talked about military executions, I decided to speak, if only for a few minutes. I am totally opposed to the death penalty. The hon. Member for Maidenhead (Mrs. May) will accuse me of illogicality for supporting my hon. Friend the Member for Hull, North, but when he puts his amendment to the vote, I shall be in the Lobby with him because of what is, I hope, my principled opposition to the death penalty.

As my hon. Friend the Member for Glasgow, Maryhill (Mrs. Fyfe) will know, an old friend of mine in Aberdeen, Councillor Robert Middleton, witnessed one of the last executions in Scotland. That experience was recounted to me one evening in his house, and it strengthened my determination to fight the death penalty when I was elected to the House.

Although I have complimented the right hon. Member for Caithness, Sutherland and Easter Ross, I was not taken by his observation vis-à-vis the constitution and this issue. In my view, it has to be determined by Members of Parliament after rigorous examination of their consciences. That is what I have done. My constituents know where I stand, and I shall vote with my hon. Friend the Member for Hull, North. I shall give way to the hon. and learned Member for Harborough, who will have to be brief.

Mr. Garnier: I shall endeavour to be brief, because this is an intervention.

I yield to no man in my admiration for the huge service that the hon. Gentleman gave to his country as a member of the RMP. I heard all about it in a bus, when we were in Bosnia monitoring the elections. He told me, day in, day out, about his experiences in the RMP, which was very kind.

I think that the hon. Gentleman has misunderstood me. He referred to the expression "military executions"; if he considered it within the context of my few remarks, but in the entirety of them, he would understand that I was talking about offences against the state committed in time of war. If I used an unfortunate shorthand, I apologise for giving the wrong impression. I was talking about the right of the state to do what I would disapprove of in other circumstances—that is, in ordinary cases of murder: to resort to the death penalty, in time of war.

Dr. Godman *rose—*

Mr. McNamara: Will my hon. Friend give way?

Dr. Godman: May I first answer the intervention of the hon. and learned Member for Harborough? My hon. Friend is too eager.

I recall swapping accounts of military exploits with the hon. and learned Gentleman when we were in the hot spot of Brcko. We were, if I remember correctly, protected by seven members of the Special Air Service. The hon. and learned Gentleman—he was too modest to admit it in his intervention—reminded me several times that, while I was a non-commissioned officer, being Labour, he enjoyed the Queen's commission, as have a lot of Conservative Members. Most of them are ex-Guards officers.

In relation to Northern Ireland and the remarkable excellence of the infantry regiments that we send on United Nations peacekeeping missions, I am pleased—thrilled, in fact—that they are Members of Parliament and no longer serving with the armed forces.

Mr. McNamara: I am sorry to interrupt my hon. Friend, but the hon. and learned Member for Harborough obviously has not read the amendment, which mentions "Articles One and Two". Article 2 specifically provides a derogation for a state to have the death penalty in time of war. Therefore, the hon. and learned Gentleman's argument falls.

Dr. Godman: I am grateful to my hon. Friend for that intervention, but, even in times of war, I would question the sentence of death by courts martial as they are currently constituted, especially where officers were dealing with the lives of NCOs and other lower ranks.

I shall support my hon. Friend when he puts his amendment to the vote, and it is right and proper that hon. Members support it. We are putting remarkable, radical

[Dr. Godman]

and wide-ranging constitutional change through the House. The amendment is part of that, and I hope that Labour Members will support our hon. Friend.

Mrs. Laing: The hon. Member for Greenock and Inverclyde (Dr. Godman) spoke passionately about his principles and beliefs, which are against the death penalty. I do not disagree with him about them, but he has missed the point of the amendment. If it is passed, his principles and beliefs, like those of every hon. Member, will be irrelevant, because there will not be another discussion of the merits or otherwise of the death penalty in the House, which is the correct forum for such a debate.

I agree with the hon. Member for Slough (Fiona Mactaggart) and others who spoke passionately about the fundamental human right—the right to life. The hon. Lady and the hon. Member for Hull, North (Mr. McNamara) were correct in that, but the problem is their suggestion that the Parliament of the United Kingdom is not sufficiently responsible to protect that fundamental human right. That ridiculous suggestion is the basis of the hon. Lady's argument.

Mr. Gareth Thomas: Will the hon. Lady give way?

Mrs. Laing: For the sake of time, I cannot; I am sorry.

It was suggested by the hon. Member for Clwyd, West (Mr. Thomas) that accepting the amendment would enhance our international prestige. The opposite will happen. The international prestige of this country would be diminished, as would the prestige of Parliament, by the suggestion that the House is not competent and has to be told by other institutions how to legislate on such a fundamental matter as the administration of justice and the death penalty.

I vehemently oppose the death penalty and vehemently defend the right to life, but I also defend the right of Parliament to make the criminal law of this country and the right of hon. Members properly to debate the death penalty, at any time that we want to do so.

Mr. Mike O'Brien: Let me make it clear that, as far as the Government are concerned, this is a free vote. I shall express the personal view of myself and of the Home Secretary, but no Government Whip has been asked by us to act as a Teller. This is a matter of conscience for hon. Members.

The Government's position was set out clearly in the White Paper:

> "The view taken so far is that the issue is not one of basic constitutional principle but is a matter of judgement and conscience to be decided by Members of Parliament as they see fit. For these reasons, we do not propose to ratify Protocol 6 at present."

The amendments would add the two substantive articles of protocol 6, involving the abolition of the death penalty, except for acts committed in time of war or imminent threat of war, to the convention rights. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) said that the argument was finely balanced, and I agree. The issue is not just whether we agree with the death penalty. The tendency is often to discuss these issues emotively because, obviously, hon. Members feel strongly about them, but there is a need to examine the proposal with great consideration.

Before introducing the Bill, Ministers conducted a review of the United Kingdom's position on the three protocols to the convention that contain substantive rights that we had not ratified. Those are protocols 4, 6 and 7. We explained in the White Paper "Rights Brought Home: The Human Rights Bill" that we intended to sign and to ratify protocol 7 once an opportunity arose to remove some inconsistencies between our domestic law and the protocol's provisions. However, we judged that we should not ratify protocols 4 or 6 at this time or to include them in the Bill.

In the past three decades, the House has repeatedly opposed the death penalty. Indeed, in the previous substantial debate in the previous Parliament, I spoke strongly against it. Neither the Home Secretary nor I believe that the House will restore it, but we also take the view that this is not the time to block the rights of Members of Parliament in all conscience to debate and to vote on restoring it.

My personal view and that of the Home Secretary is that Parliament should be free to decide on death penalty matters on a free vote, and that protocol 6 would make a free vote difficult. Ratification of the protocol, from which no derogation or reservation is permitted, would interfere with the ability of a United Kingdom Parliament to consider the issue in future, short of effectively denouncing the convention.

Our constituents widely engage in the debate about the death penalty. Should Parliament prevent itself from debating issues that the public debate? That would be the effect if we embraced protocol 6. We would restrict and put a block on our ability to debate the issue. Assuming that the convention would remain law, if we embraced protocol 6, we would remove the decision on the death penalty from Members of Parliament for all time, and place it in the realm of international law.

The death penalty is a sensitive and difficult issue. This is not the time, nor is this the Bill, to implement the amendment. The issue is not about supporting or opposing the death penalty, but about the procedure for doing so: is a new procedural hurdle to be placed in the way of those hon. Members who wish to bring this matter before the House?

Mr. Maclennan: In the light of the Minister's helpful indication that the Government do not propose to put on a Whip tonight, can he say how the Government would view the passing of the amendment? Would they take it as an instruction of the House and proceed, notwithstanding the view that he has expressed on behalf of himself and the Home Secretary, to ratify the protocol?

Mr. O'Brien: The answer to that is yes. May I make it clear, if the right hon. Gentleman is in any doubt, that, on this issue, we are not putting in Whips, but that, on other issues tonight, we may decide to do so.

These are important issues, so let me take this argument a little further; it is important that hon. Members understand them.

I accept that it would be possible for the death penalty to be reintroduced by a future vote of Parliament, but only by way of an amendment to what would then be the Human Rights Act, if Parliament wills it. However, it would be contrary to the principles of the Bill and of the convention.

The Bill's purpose is to give further effect in domestic law to those rights that the United Kingdom has an obligation under the convention to secure to individuals in its jurisdiction. The inclusion of articles 1 and 2 of protocol 6 within the Bill's definition of the convention rights would grant rights in this country that we are not, at present, internationally bound to secure. It appears to be an academic point, and I do not want to go into angels dancing on pinheads, but it is an important part of the Government's view that the Bill is about giving access to rights, rather than creating new areas of law.

Mr. Grieve: I have listened carefully to what the hon. Gentleman has said, and I agree with every word. Is it not true that the Government would sign up to such a protocol only after widespread public consultation and that one feature of the way in which we are approaching the matter tonight is that such public consultation, which is an essential part of the process of government, as the Prime Minister has often said, has been bypassed?

6.45 pm

Mr. O'Brien: I hear what the hon. Gentleman says and I can see why he might take that view, but the issue is raised in the White Paper and, in a sense, there was consultation on its provisions. This has been on the House's agenda, and hon. Members have been free to discuss it. It is an important issue.

Mr. Gareth Thomas: I appreciate the sensitive way in which my hon. Friend is handling an obviously sensitive issue, but may I seek some guidance from him on the interpretation that he puts on the point that I raised earlier concerning the interpretation of clauses 19 and 10, in the light of the view that there is residual discretion on Parliament to have a substantive debate on reinstatement?

Mr. O'Brien: Parliament could certainly debate that issue, but let us be clear: if we agree to the amendment, we will have a hurdle, a block on making a decision to restore the death penalty. Hon. Members will have to decide whether they wish at this stage to put that hurdle or block in the way of the House.

As the Committee will be aware, amendments to the Crime and Disorder Bill were agreed in Committee last week and in another place in March. They abolish the death penalty for all but certain military offences. I hope that we will succeed in removing from the statute book the last vestiges of the death penalty for civilian offences of treason and piracy as a result of that Bill, so the Government's view on the issue is clear, but Ministers with responsibility for defence are considering issues relating to the Army and the Navy. This is not—I express a personal view on behalf of the Home Secretary and myself—the time to prejudge their deliberations. If that Bill were enacted with those amendments in place, it would not affect our position on whether articles 1 and 2 of protocol 6 should be added to the convention rights that are set out in the Human Rights Bill.

Some concerns have been expressed that, if we do not ratify protocol 6, the UK will be unable to campaign effectively against the use of the death penalty in other countries. We do not see that as a serious difficulty. We are able to support international calls for the abolition of the death penalty because Parliament has repeatedly voted against capital punishment. In the current Parliament, any motion to reintroduce capital punishment is likely to be defeated by a large majority.

On 11 October 1997, at the summit of the Council of Europe, the Prime Minister signed the Council of Europe declaration calling for the universal abolition of the death penalty. That demonstrates that we are able to take a positive stand on this issue and encourage others to do so, but it does not require the inclusion of article 6.

The issue before us in the amendment is precise; it is not whether we oppose the death penalty—I oppose the death penalty—but whether, on an issue on which all parties give a free vote, the Committee should restrict the ability of the current minority of Members of Parliament who support the death penalty to put that matter of conscience before the House on a vote that could change the law. Parliament will not be best served at this time if it accepts the amendment.

I repeat—this is a free vote, as all hon. Members are aware. The Home Secretary and I have expressed our advice, but each Member can exercise his or her own conscience on this matter.

Mr. James Clappison (Hertsmere): This has been an interesting debate, and we have heard excellent speeches by my hon. and learned Friend the Member for Harborough (Mr. Garnier), my hon. Friends the Members for Beaconsfield (Mr. Grieve) and for Maidenhead (Mrs. May), and my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg). I also pay tribute to the way in which the hon. Member for Hull, North (Mr. McNamara) moved the amendment. He did so with sincerity and some skill. I respect his passionately held views against the death penalty, and I appreciate that he wishes to take every opportunity to press that case.

The hon. Gentleman was right to start by giving a recent history of the death penalty. He was correct to say that it was abolished as a sentence for murder on a free vote of the House in 1965. As he said, the matter was considered more recently when treason and piracy—the remaining offences, apart from armed forces offences, for which the death penalty remains a sentence—were discussed in the Standing Committee on the Crime and Disorder Bill. There was a free vote in the Committee on those matters. If the issues of treason and piracy are raised again when the Bill returns to the Floor of the House, we apprehend that there will again be a free vote.

It is right and appropriate that these matters should be decided, now and in the future, by the individual judgments and conscience of Members of the House on a free vote. The Minister was not giving away inside information that would bankrupt anyone in the bookmaking profession when he said that it was unlikely in the present Parliament that there would be a majority in favour of the return of the death penalty. That is true, given the present composition of the House.

We agree that a free vote should not be constrained by a decision to ratify articles 1 and 2 of the sixth protocol to the European convention. We appreciate that the article of the protocol that would not permit a derogation has not been included in the amendment; that point was made by the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) and by the hon. Member for Hull, North, but that does not make their arguments entirely convincing. The amendment would, as my hon. Friend the Member for Beaconsfield said, fetter the vote of the House in future. Hon. Members should be able to

[Mr. James Clappison]

decide the matter on a free vote without having to consider the implications concerning the European convention.

As the Committee will know, we have a long tradition, whichever party is in government, of honouring our obligations under the European convention on human rights, and it would be a shame to create the possibility that we would come into conflict with the convention, even though it would appear unlikely that, as presently constituted, the House would vote in favour of the return of the death penalty.

The Minister is right to say that this is a question of procedure and not, in this instance, of conscience. We should maintain the position that these matters should be decided on a free vote of the House.

Mr. Terry Davis (Birmingham, Hodge Hill): I welcome the announcement by my hon. Friend the Minister that there will be a free vote on the issue and that the Government will accept the decision of that vote and, if the amendment is made, ratify protocol 6 of the European convention on human rights. I express my appreciation to my hon. Friend. However, I do not accept his advice to reject the amendment. I shall support my hon. Friend the Member for Hull, North (Mr. McNamara) and ask all hon. Members to join us in the Lobby to vote for the amendment, and I shall explain why.

My hon. Friend the Minister made it clear that he was expressing a personal position. I not only express my personal position—for which, like many of my hon. Friends, I have had to suffer consequences at the ballot box—but, as the leader of our delegation to the Council of Europe Assembly, elected by my colleagues in the delegation, I urge the Committee to support the amendment. In doing so, I speak for most of the delegation, certainly for all its members on this side of the Committee and also for some on the Opposition Benches.

For once, I agree with the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) when he says that the amendment should not be necessary. I expected the Government to ratify protocol 6 of the convention on the basis of clause 33 of the Crime and Disorder Bill, which removes from the statute book the last two offences for which the death penalty is still prescribed. On Second Reading, we were told by the Minister of State, Home Office, my hon. Friend the Member for Cardiff, South and Penarth (Mr. Michael), that if we wanted the Government to ratify protocol 6, we must attempt to achieve that in the Human Rights Bill. That is why my hon. Friend the Member for Hull, North has taken the initiative, with the support of many members of the delegation, in tabling the amendment.

The Government cannot have it both ways. They cannot tell us that they do not have the authority to ratify protocol 6, and that it could not be done, as we thought it could, in the context of the Crime and Disorder Bill, but that it could be done in this Bill, and then ask us not to vote for the amendment. That is inconsistent. I am not surprised that the Under-Secretary, my hon. Friend the Member for North Warwickshire (Mr. O'Brien), has been asked to reply to the debate, because my hon. Friend the Minister of State gave us contradictory advice. He said, in the presence of the Home Secretary, that we should attempt to ratify the protocol in this Bill.

I must tell the Deputy Chief Whip, my hon. Friend the Member for Leeds, East (Mr. Mudie), that this is an important issue, which will be noted in the rest of Europe. The amendment is not for all time. We are not, as Conservative Members said, trying to fetter the House of Commons in the future. Their argument would apply to the whole convention that is being introduced into our law by the Bill. On that basis, they could argue that the House would not be able to vote for torture—we shall not do so. We shall not vote for slavery or servitude or forced or compulsory labour. We shall not vote against the right to a fair trial. We shall not vote against prohibition against discrimination. The amendment would place the death penalty in the same category.

Mr. Grieve: I have two points. I accept what the hon. Gentleman says as he runs through the various articles of the convention. However, when the protocol was introduced in 1983—I think I am right in saying, but I am willing to stand corrected, that my father was then the chairman of the human rights committee of the Council of Europe—it was clearly stated that it was an evolutionary measure which could be introduced when the time was right. The hon. Gentleman said that the matter cost him votes, and I am sure that he will agree that this is a matter of intense public debate, on which our views and those of the public do not tally. Is that not a good reason why we should be wary of entrenching this position, whereas all the other articles that he listed are widely accepted, with no dissent?

Mr. Davis: That intervention has only delayed the completion of my speech, because I was about to deal with that point. If we pass the amendment, it will not stop our successors voting for a restoration of the death penalty if that is what they want, but it would mean that if they did so, they would be tearing up the European convention on human rights. That is true. Lord Williams of Mostyn made that point in the other place on behalf of the Government.

With great respect, I tell the Under-Secretary that, from my experience—regardless of whether we sign protocol 6; even if we do not sign it—if at some time in the future the House votes for restoration of the death penalty, the United Kingdom will be expected to withdraw from the Council of Europe—[HON. MEMBERS: "No."] Oh, yes. My colleagues from the delegation will agree that, internationally, feeling on the issue is so strong that we would risk being suspended from membership of the Council of Europe—*[Interruption.]* Yes, that is my view. I am entitled to my view, which is based on some experience of the Council of Europe, and I was one of those who criticised Ukraine for not fulfilling its obligations.

7 pm

As my hon. Friend the Member for Hull, North (Mr. McNamara) said, even now, our Government are applauding Estonia's decision to ratify protocol 6. However, only last week, another Baltic country voted to retain the death penalty. In its Parliament, one of the strongest arguments was essentially, "Why should we abolish the death penalty when the United Kingdom has not yet signed protocol 6?" Its proponents of the death penalty shelter behind that fact—wrongly, but they do. That is an example of the international effect of our not signing the protocol. We are constantly being told that we are telling our colleagues in other parts of Europe to do as we say, not do as we do.

Human rights are at the centre of our foreign policy. Protocol 6 has tremendous symbolic importance. If we vote against the amendment, it will be impossible for many people in Europe to understand the House. It will also be very difficult for many people in this country to understand us.

Mr. McNamara: I shall not detain the Committee for very long, but will merely do two things. First, I apologise to the Under-Secretary of State for the Home Department, my hon. Friend the Member for North Warwickshire (Mr. O'Brien). I had some very evil thoughts about him, which, in time, I shall duly confess. I am very pleased, indeed, that the Government are not putting in Whips. I hope that all my hon. Friends have heard that—they can vote on the matter with a clear conscience.

Secondly, I should like to make some important points—reiterating ones made by two of my hon. Friends, first by my hon. Friend the Member for Clwyd, West (Mr. Thomas). The first one is that, if we want to, under the terms of the Bill, we can raise the issue again. The possibility is there.

The second point is that our country's reputation on the matter is at stake. I did not mention Ukraine as being the country that was under the cosh on the issue; my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Davis) did. However—as my colleagues in the delegation will agree—the fact that we have not signed was a very powerful argument against those of us who raised the issue.

The third point is that, if we do not ratify protocol 6, people will continue to hide behind our actions.

Mr. Maclennan: Official Opposition spokesmen have asked the Committee to understand the basis of the Government's view. As it has been accepted—even by a number of Opposition Members—that we are considering a matter of individual conscience, is it not extraordinary that the official Opposition are not treating the matter as one of conscience? Are the official Opposition not distorting the opinion of the Committee, on a matter that even they have said should be decided as a matter of conscience?

Question put, That the amendment be made:—

The Committee proceeded to a Division—

Mr. Grieve (*seated and covered*): On a point of order, Mr. Martin. Despite the fact that this was described as a free vote, the Government Whips outside the Chamber are directing Labour Members into one Lobby—the contrary Lobby to that which the Home Secretary has entered—and telling them that this is a free vote on hanging, which it is not.

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. *[Interruption.]* It would be nice if I could reply to that point of order, which is not a matter for the Chair.

The Committee having divided: Ayes 294, Noes 136.

Division No. 282] **[7.3 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Baker, Norman
Ballard, Mrs Jackie
Banks, Tony
Barnes, Harry
Battle, John
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Benton, Joe
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Butler, Mrs Christine
Cable, Dr Vincent
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunliffe, Lawrence
Cunningham, Ms Roseanna *(Perth)*
Dafis, Cynog
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Denham, John
Dobbin, Jim
Doran, Frank
Drew, David
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Grogan, John
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Harvey, Nick
Healey, John
Heath, David *(Somerton & Frome)*
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hinchliffe, David
Hodge, Ms Margaret
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald

Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Liddell, Mrs Helen
Linton, Martin
Livingstone, Ken
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Lock, David
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNamara, Kevin
MacShane, Denis
Mactaggart, Fiona
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheffld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Mullin, Chris
Oaten, Mark
O'Hara, Eddie
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Willis, Phil
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mrs. Maria Fyfe and
Ms Jenny Jones.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bayley, Hugh
Beard, Nigel
Bercow, John
Beresford, Sir Paul
Blizzard, Bob
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Bradley, Peter *(The Wrekin)*
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Butterfill, John
Byers, Stephen
Cash, William
Chope, Christopher
Church, Ms Judith
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Curry, Rt Hon David
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Dowd, Jim
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, George *(Knowsley N)*
Howarth, Geraid *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Jon Owen *(Cardiff C)*
Kennedy, Jane *(Wavertree)*
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michael, Alun
Moss, Malcolm
Nicholls, Patrick
O'Brien, Mike *(N Warks)*
Ottaway, Richard
Page, Richard
Paterson, Owen
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Straw, Rt Hon Jack
Streeter, Gary
Stuart, Ms Gisela
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. James Cran and
Mr. Oliver Heald.

Question accordingly agreed to.

Mr. Hogg: On a point of order, Mr. Martin. In view of the affirmative vote that has just taken place, would it not

be right for the Government to make a statement as soon as possible as to the intention of Ministers with regard to the sixth protocol and whether they intend to come back to the House with an Order in Council to give effect to what has just happened?

The First Deputy Chairman: That is not a matter for the Chair.

Mr. Straw: Further to that point of order, Mr. Martin. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) anticipates what I was about to say when I move the next amendment. We shall do so.

I beg to move amendment No. 137A, in page 1, line 12, leave out from beginning to 'any'.

The First Deputy Chairman: With this, it will be convenient to discuss the following amendments: No. 117, in clause 2, clause 2, page 2, line 21, at end insert—

'( ) A Court or tribunal determining a question which has arisen under this Act in connection with a Convention right must give primacy so far as it is possible to do so to the freedom of the Christian and other principal religious traditions represented in the United Kingdom to manifest religion or belief, in worship, teaching, practice or observance under Article 9.'.

Government amendment No. 137.

No. 8, in page 2, line 26, leave out 'Great Britain' and insert 'the United Kingdom'.

No. 46, in clause 3, clause 3, page 2, line 37, after 'legislation', insert

'save for the Church of Scotland Act 1921'.

No. 100, in clause 6, clause 6, page 4, line 21, at end insert

'or a person listed in Schedule (Persons excluded from section 6).'

Government amendments Nos. 41, 138 and 44.

No. 55, in clause 7, clause 7, page 5, line 21, leave out 'Great Britain' and insert 'United Kingdom'.

No. 56, in page 5, line 22, at end insert—

'(8A) Any refusal by a minister, official or other person acting on behalf of a christian or other principal religious tradition represented in the United Kingdom to administer a marriage contrary to his religious doctrine or convictions shall not be unlawful under this Act.

(8B) Any refusal by a minister, official or other person acting on behalf of a christian or other principal religious tradition represented in the United Kingdom to admit a person to holy orders or to invest a person with ministerial functions in a religious tradition contrary to his religious doctrines or convictions shall not be unlawful under this Act.

(8C) Any refusal by a minister, official or other person acting on behalf of a christian or other principal religious tradition represented in the United Kingdom to administer sacrament to a person or to allow a person to take part in an act of religious observance contrary to his religious doctrines or convictions shall not be unlawful under this Act.

(8D) Any refusal by a minister, official or other person acting on behalf of a christian or other principal religious tradition represented in the United Kingdom to permit men and women to worship together or otherwise than in accordance with the doctrines or practices of his religious tradition shall not be unlawful under this Act.'.

No. 113, in page 5, line 24, leave out—

'(a) a church school;

(b)'.

No. 114, in page 5, line 26, after 'association' insert

'in which the religious education is provided in accordance with the faith and practices of the religious foundation,'.

No. 115, in page 5, line 27, leave out from 'for' to 'whose' in line 28 and insert

'appointment as members of the teaching staff persons'.

No. 116, in page 5, line 30, leave out from 'person' to 'whose' in line 31 and insert

'who is a member of the teaching staff'.

No. 40, in page 5, line 32, at end insert—

'(9A) In relation to—

(a) a Church school; or

(b) a school or college with a religious foundation or trust deed or, as the case may be, memorandum or articles of association,

nothing in this Act shall be used to affect the ability of the church or religious body concerned to appoint as a governor a person whose beliefs and manner of life are appropriate to the basic ethos of the school, and nothing in this Act shall be used to affect the ability of the governors of the said school or college to introduce an admissions policy which gives priority to children from families whose beliefs are appropriate to the basic ethos of the school.'.

No. 57, in page 5, line 35, after 'deputy chief executive', insert ', finance director'.

No. 90, in clause 21, clause 21, page 13, leave out lines 13 and 14.

Government new clause 9—*Freedom of thought, conscience and religion.*

New clause 12—*Effect of determinations on religious rights*—

'.—(1) If a court's determination of any question arising under this Act might affect the exercise by—

(a) a religious organisation (itself or its members collectively); or

(b) a charity with a religious foundation (itself or its members collectively)

of the Convention right to the freedom of thought, conscience and religion, it must have particular regard to the importance of that right.

(2) In this section, "court" includes a tribunal.'.

New schedule 1—'PERSONS EXCLUDED FROM SECTION 6—

1. Any priest, minister or other official of any church, religious denomination, mosque, synagogue or temple

2. Any person exercising functions under the authority of or on behalf of the membership of a church, religious denomination, mosque, synagogue or temple

3. Any person exercising functions in connection with the ecclesiastical courts of the Church of England.'.

Mr. Straw: First, I assure the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) that, as the Under-Secretary of State, my hon. Friend the Member for North Warwickshire (Mr. O'Brien), said, we accept the will of the House on protocol 6. We shall consider the manner in which it should properly be implemented, and report to the House.

All the amendments are concerned with the impact of the Bill on the Churches and other bodies with a religious character. Many of them relate to those amendments made to the Bill in another place on Third Reading, which inserted a number of protections for such bodies. Those provisions are in part of clause 1(2), in clause 2(4) to (7), in clause 6(5) and (6) and in clause 7(8) to (10).

[Mr. Straw]

The issues were extensively debated in another place, and a number of hon. Members on both sides of the House of Commons commented on them on Second Reading in February. I said then that I would listen carefully to representatives of the Churches before I reached a conclusion on whether to advise the Committee to go along with the amendments made in another place. Since then, my noble Friend Lord Williams of Mostyn and I have had a number of meetings with representatives of the Churches and with a number of hon. Members—we have listened carefully to their concerns.

Before I speak on the amendments, it may be helpful if I say how the Government think that the Bill will operate in relation to the Churches. Much of what the Churches do is, in the legal context and in the context of the European convention on human rights, essentially private in nature, and would not be affected by the Bill even as originally drafted. For example, the regulation of divine worship, the administration of the sacrament, admission to Church membership or to the priesthood and decisions of parochial church councils about the running of the parish church are, in our judgment, all private matters.

In such matters, Churches will not be public authorities; the requirement to comply with convention rights will not bite on them. We do not believe that, for example, the Church of England, the Church of Scotland or the Roman Catholic Church, as bodies, would be public authorities under the Bill. I was asked to clarify that by many people, not least the Cardinal Archbishop.

On the occasions when Churches stand in place of the state, convention rights are relevant to what they do. The two most obvious examples relate to marriages and to the provision of education in Church schools. In both areas, the Churches are engaged, through the actions of the minister or of the governing body of a school, in an activity which is also carried out by the state, and which, if the Churches were not engaged in it, would be carried out directly by the state.

We think it right in principle—there was no real argument about it on Second Reading—that people should be able to raise convention points in respect of the actions of the Churches in those areas on the same basis as they will be able to in respect of the actions of other public authorities, however rarely such occasions may arise.

If that were not the case, the situation could arise, for example, in which teachers in most schools were required to comply with convention rights, but teachers in Church schools, which are wholly or mainly funded by the local education authorities, were not. Abuses of convention rights in one school would be amenable to correction in the domestic courts, whereas abuses in another school could be dealt with only at Strasbourg.

Mr. Andrew Rowe (Faversham and Mid-Kent): The Church has the power to marry in a way that the state recognises, but the choice to get married in a church is entirely voluntary. Does that not alter the case?

Mr. Straw: The hon. Gentleman makes an interesting point. There was a time when one could get married only in church but, these days, marriage is a matter of civil law—it is the exercise of a public right. The Churches are standing in the stead of the state in arranging the ceremony of marriage, which is recognised not only in canon law, but in civil law. In that instance, the Church is performing a function not only for itself, but for civil society.

Rev. Martin Smyth (Belfast, South): In the context of education in Northern Ireland, Church schools—which are primarily under the management of Roman Catholic authorities—are not subject to equal rights and fair employment legislation in the appointment of teachers. Is the Home Secretary saying that, under the Bill, those Church schools will be subject to the convention? Moreover, although I understand that, in society, marriage may now be a civil matter, is the Home Secretary saying that an officiating minister of whatever denomination will have no right of conscience if he believes that a person has come to him for what are, in the Church's view, improper reasons?

Mr. Straw: On the second point, I say entirely the reverse. Of course a minister has a right of conscience—his duty to marry people is, first and foremost, a matter relating to the Church to which he belongs. If he conducts a marriage ceremony, that has an effect not only in canonical law, but in civil law. At that point, as I explained, the minister is exercising powers in the stead of the state.

If the hon. Gentleman will bear with me, I shall explain how we propose in the School Standards and Framework Bill, rather than in this Bill, fully to satisfy the anxieties that have been expressed in the House of Commons and in another place about the right of Church schools of whatever denomination to ensure that those they appoint are those who accept the faith.

Concern was expressed that the Bill would require ministers of religion to do things that were contrary to their doctrine or belief, such as to conduct marriages between same-sex couples or divorced persons. We have never believed that the consequences of applying the Bill to Church representatives in those matters in their capacity as public authorities would be as adverse as has been predicted. Even without the amendments made in another place and the further proposals that are before the Committee today, the Bill provides two kinds of protection against such an occurrence—I make this point to emphasise that we were not careless of the issue before it was raised in the other place.

The first protection is that, under clause 2, the domestic courts will be required to have regard to the jurisprudence of convention institutions. Strasbourg case law is clearly to the effect that, under article 12 of the convention, the right to marry does not extend to persons of the same biological sex. Moreover, article 12 does not include the right to marry according to a particular ceremony of one's choice. The availability of a civil marriage is sufficient to meet the requirements of the article.

The second protection is that the courts will be required to give priority to domestic primary legislation over the convention rights in the event of a conflict that cannot be reconciled by judicial interpretation. Domestic primary legislation specifically provides that same-sex marriages are void, and although Church of England priests have a statutory duty to conduct marriages—the Church of

England is, by law, the established Church—they are specifically granted a discretion to refuse to marry divorced persons.

Miss Ann Widdecombe (Maidstone and The Weald): The Home Secretary has described a situation in which primary law would have precedence over the convention. If primary law says that same-sex marriages are void, as it does at the moment, that takes priority. However, if primary law were to be changed and same-sex marriages were to become valid, where would that leave Churches in the interpretation of the convention?

Mr. Straw: We are talking about the application of the convention. In the domestic jurisdiction of Parliament, it would be open to the House of Commons, if it wanted, to say that same-sex marriages could apply. The right hon. Lady is asking me to speculate whether that would be outwith the convention.

Miss Widdecombe: My question is straightforward: if our civil law were to say at any stage that same-sex marriages were valid, and the teaching of the Church remained that they were not, where would that leave the Church?

7.30 pm

Mr. Straw: I think that I understand the right hon. Lady's point. It would be open to Parliament to say that civil marriages could apply to same-sex couples, but that would palpably not apply to Churches.

There is a parallel with divorced couples. Since we allow divorce, we have to allow divorced people to remarry—well, we do not have to, but we do, and some of us have taken advantage of the facility and have been married more than once; in my experience, it saves living over the brush, as they say in Blackburn—but that applies to civil registrars and does not in any way affect the right of the Church of England to refuse to marry divorced people. The right of any Church, which we intend to strengthen, to refuse to marry divorced people remains protected by the convention.

Sir Brian Mawhinney (North-West Cambridgeshire): The fundamental problem is the Government's unwillingness to define what constitutes a public authority. I do not want to be aggressive or offensive, but in a sense it does not matter what the Home Secretary says he believes or does not believe, because he has already said that the courts will decide. Given what he is asking the Committee to believe regarding his intention, the simplest way of dealing with the matter would be to write into the Bill the prohibitions to which he referred, to take away any ambiguity and provide clarity. Will he explain to the Committee why he refuses to do that?

Mr. Straw: If the right hon. Gentleman will bear with me, I am seeking to explain why I do not find the amendments made in another place acceptable. I have sent him a detailed letter and had conversations with him, explaining that I am setting out an alternative that strengthens the law and goes a long way towards meeting the Churches' concerns, as the Cardinal Archbishop and the Archbishop of Canterbury have made clear, and as Baroness Young, who tabled those amendments, was generous enough to say in an article in *The Daily Telegraph*.

The right hon. Gentleman utters a truism when he says that it is for the courts to decide the interpretation of the Bill. That is true in any case: we pass the words, but it is for the courts to interpret them. The words may be perfectly clear, but sometimes the courts interpret them differently: that is a matter of fact.

Mr. Garnier: Pepper *v.* Hart.

Mr. Straw: Indeed: the doctrine of that judgment is one of the aids that are available to the courts and allows them to look behind the words and consider Parliament's intention in so far as it has been expressed with clarity by the Minister concerned. We debated the definition of public authorities at great length, and it is our judgment that clause 6 provides a clear and robust definition.

There will be occasions—it is the nature of British society—on which various institutions that are private in terms of their legal personality carry out public functions. That includes the Churches in the narrow circumstances that I have described. I would suggest that it also includes the Jockey Club.

Other countries have public bodies to regulate racing; in this country, we do it in a different way. That is how we have always done it, and I know of no proposals to change the system. The Jockey Club is a curious body; it is entirely private, but exercises public functions in some respects, and to those extents, but to no other, it would be regarded as falling within clause 6.

Miss Widdecombe: The Home Secretary said that, under Pepper *v.* Hart, a Minister's explanations, if spoken with sufficient clarity, could be taken into account in interpreting the law. Will he now speak with exceeding clarity and assure the House categorically that it is the Government's intention—not what they believe, but their intention—that nothing in the convention, or in any incorporation of it into any part of our law whatever, will attenuate the Churches' right to doctrinal purity in matters of discharging public and private functions, and in employment?

Mr. Straw: I hope that the right hon. Lady will bear with me as I explain—

Miss Widdecombe: Ha!

Mr. Straw: I was about to give the right hon. Lady an absolutely affirmative answer, and it would have been easy to do so, but she spoiled her question by talking about private and public functions, and any functions. [HON. MEMBERS: "Employment."] I am dealing with employment. Where the Churches are employing teachers, they are exercising a public function under statute passed by the House. That goes back to the Board of Education in the 1830s, when Parliament started to use the Churches as agents of state education.

Miss Widdecombe *rose—*

Mr. Straw: I have given way to the right hon. Lady three times. If she will bear with me, I hope to explain the position—in the main, if not wholly, to her satisfaction.

We recognise that Church concerns remain, notwithstanding the care we took in framing the Bill to satisfy ourselves that it did not affect the private functions

[Mr. Straw]

of the Churches. There are concerns about religious doctrines and practices having to give way to convention rights and about staffing issues in Church schools.

The provisions that were inserted in the Bill on Third Reading in another place represent an attempt to reassure the Churches about its impact. I understand their intention, but they give rise to considerable difficulties. They raise the prospect of some actions being protected by the provisions that certainly ought to be amenable to correction on human rights grounds. As a result—this is the conundrum that those amendments pose—the acts in question might themselves be found in Strasbourg to have violated the convention, but would be incapable of correction by means of a better and domestic remedy.

The amendments made in another place carry a risk of violating the convention in their own right. It really would be an oddity if the Bill incorporating the convention on human rights was itself outwith that convention. That is particularly relevant to the amended clause 2, which accords one convention right, article 9, automatic priority over all others, whatever the circumstances.

There are other difficulties: both the amended clause 2 and clause 7 would discriminate between principal religious traditions and others, which would be unfair to minority religions, and would drag the courts into considering doctrinal issues.

The amended clause 6, which is aimed at the Church of Scotland, would also be likely to produce legal uncertainty in relation to the courts of the Church of England. The amended clause 7 deals with matters more properly addressed in the School Standards and Framework Bill. We have concluded that the provisions cannot properly remain in the Bill, and that is why Government amendments Nos. 137A, 138, 137, 41 and 44 were tabled to remove them.

Although we cannot accept the amendments made in the House of Lords, we think that we can meet Church concerns by other routes, without violating the convention or compromising the integrity of the Bill.

One point among many that impressed me in my discussions with Church representatives was that almost everyone who visited me and Lord Williams of Mostyn said that they accepted the principle of the convention. Many said that they wished the Bill to be incorporated. That is the formal position of the Church of England and the Roman Catholic Church. It is also the stated position of the Church of Scotland; my right hon. Friend the Secretary of State for Scotland will go into more detail.

Among other matters, the Churches were seriously concerned that, whatever protection there was in the merits of the Bill, the incorporation of the convention might encourage vexatious litigation against them. I accept that. It may encourage vexatious litigation against the Government. We will have to meet that in the initial stages, and we intend to do so.

The Government at least have paid lawyers. It is part of our job in introducing such a Bill; we can hardly complain. It is plain that congregations do not put their money on the plate on a Sunday principally to ensure that lawyers are paid to fund unnecessary actions against them. For that reason and others, I thought that we should go as far as we possibly could to make it clear in the Bill that the Churches were to have protection consistent with the convention.

Mr. Hogg: If the right hon. Gentleman finds this question difficult to answer now, I will understand if he wants to answer it later. He has made it plain that nothing in the Bill compels the Church to marry, for example, divorced couples; or, if our primary legislation permitted it, persons of the same sex. As he fairly said, in those circumstances a civil marriage is available, which is sufficient for the convention.

Assuming that the right hon. Gentleman means exactly what he says—I am sure he does—I am not clear why he wants to remove clause 7(8), which provides protection for the Church in the context of marriage, and which would be removed by Government amendment No. 44. It is a big amendment that takes quite a lot else out as well, but I think that clause 7(8) does no more than enshrine the protection that he says the Churches have, under his understanding of the law.

Mr. Straw: Having had notice of that question, I shall seek later to provide the right hon. and learned Gentleman with details of why we found clause 7(8) unacceptable. We considered this carefully. I do not expect all hon. Members to accept everything we have done, but we believe that new clause 9 deals with the anxieties raised by the Churches, without getting us into the impossible situation of risking having parts of what will become the Act that are outwith the convention.

Mr. James Wallace (Orkney and Shetland): In proposing the deletion of parts of clause 6, the right hon. Gentleman explained that what relates to the courts of the Church of Scotland could cause uncertainty with regard to the courts of the Church of England. It seems odd to clear that uncertainty up by possibly creating one for the courts of the Church of Scotland. Is he satisfied that the exclusive jurisdiction of the Church of Scotland in matters spiritual under the Church of Scotland Act 1921 remains unaffected by the sum total of deletions and additions?

7.45 pm

Mr. Straw: Having been pupilled to a lawyer expert in English ecclesiastical law, I know that a little knowledge is a dangerous thing. I do not profess any expertise in the law relating to the Church of Scotland, but my right hon. Friend the Secretary of State for Scotland is here. He is a Scots lawyer, and I defer to him on this, as I do on almost everything. If the hon. and learned Gentleman will wait, he will have all explained by my right hon. Friend.

The purpose of new clause 9, which stands in my name and—just mine, as it turns out. *[Laughter.]* One develops an autopilot from 17 years on the Opposition Front Bench. The new clauses that I moved, with little hope of getting them through, always stood in my name and those of several colleagues. I see that, because I am "Mr. Secretary Straw", I am the only person who adorns the new clause.

New clause 9 would come into play in any case in which a court's determination of any question arising out of the Bill might affect the exercise by a religious organisation of the convention right of freedom of thought, conscience and religion. In such a case, it provides for the court to have particular regard—not

just to have regard, going back to the earlier debate, but to have particular regard—to the importance of that right. Its purpose is not to exempt Churches and other religious organisations from the scope of the Bill—they have not sought that—any more than from that of the convention. It is to reassure them against the Bill being used to intrude upon genuinely religious beliefs or practices based on their beliefs. I emphasise the word "practices", as well as "beliefs".

There is ample reassurance available on this point from convention jurisprudence. Apart from stating the importance of the courts having due regard to article 9, new clause 9 is designed to bring out the point that article 9 rights attach not only to individuals but to the Churches. The idea that convention rights typically attach only to individuals and not the Churches caused considerable anxiety. I understood that, and that is why the new clause has been phrased so that the Churches have its protection as well as individuals.

There is convention jurisprudence to the effect that a Church body or other association with religious objectives is capable of possessing and exercising the rights in article 9 as a representative of its members. The new clause will emphasise that point to our courts. The intention is to focus the courts' attention in any proceedings on the view generally held by the Church in question, and on its interest in protecting the integrity of the common faith of its members against attack, whether by outsiders or by individual dissidents. That is a significant protection.

The Committee will note that the new clause refers to the exercise of the right to freedom of thought, conscience and religion by a "religious organisation", but leaves that expression undefined. Some hon. Members may wonder why we describe Churches in that way. The answer is partly that no definition is readily available, at home or in Strasbourg.

We considered the issue with great care, and took the advice of parliamentary counsel. I have already referred to the difficulty arising from this point in the amendments made in another place in discriminating between some religions and others. We are seeking to reflect precisely the Strasbourg case law. The convention institutions have not offered a definition, but we are confident that the term "religious organisation" is recognisable in terms of the convention.

Mrs. May: I share the concerns expressed by my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) and others about the Bill's impact on Churches. Will the Home Secretary reflect on the definition of religious organisations, and consider whether, by drawing that definition so widely, he risks including within it organisations and sects that would claim to have a religious aspect but whose activities most hon. Members would not regard as worthy of their support? I ask him to think carefully on that.

Mr. Straw: We have thought about that. The hon. Lady raises an important point about drafting. If I may, I will answer her when I or my right hon. Friend the Secretary of State for Scotland winds up.

The key concept that we are talking about is organisations with religious objectives. It may be helpful if I comment at this point on new clause 12. That is very similar to, and is clearly built upon, Government new clause 9, but it inserts a reference to charities with religious foundations as well as what we have called "religious organisations". The intention is no doubt to achieve the same effect in relation to religious charities as in relation to Churches themselves. Although we recognise the intention of new clause 12, I propose that it is both unnecessary and unwise.

One of the advantages of Government new clause 9 is that it is flexible enough to cover cases involving religious charities where Church issues form a backdrop to the case. I say this because it applies to a court's determination of any question arising under the Human Rights Bill that might affect the exercise by a religious organisation of the rights guaranteed by article 9. It is therefore not tied to circumstances in which a religious organisation is directly involved, as a body, in the court proceedings.

If a case is brought against a charity, and the charity can show that what it is doing is to maintain and practise the religious beliefs which it shares with its parent Church, we consider that new clause 9 would come into play so as to ensure that due consideration was given to those beliefs.

The difficulty with a specific reference to religious charities, as new clause 12 would provide, is, first, that the article 9 rights attach more naturally to Churches themselves, at least in the first instance, than to other bodies. The benefit to charities and so on is indirect.

Secondly, however—this is one of the ways in which innocently phrased amendments can sometimes have the reverse effect of that intended—by drawing attention to religious charities in this way, new clause 12 might have the undesirable effect of excluding from the scope of new clause 9 other organisations supported by a Church, such as governing bodies of Church schools, or adoption agencies.

Mr. Laurence Robertson (Tewkesbury): Will the Home Secretary give way?

Mr. Straw: In a moment, if the hon. Gentleman will allow me.

The Government new clause will not provide absolute protection for Churches or other religious organisations as against any claim that might possibly be made against them.

Mr. Clappison: That is true.

Mr. Straw: Of course. We could not possibly do that without violating the convention or undermining the objects of the Bill. There has never been any dubiety about that, but the new clause will send a clear signal to the courts that they must pay due regard to the rights guaranteed by article 9, including, where relevant, the right of a Church to act in accordance with religious belief.

Mr. Edward Leigh (Gainsborough): Will the Home Secretary give way?

Mr. Straw: No. I promised to give way to the hon. Member for Tewkesbury (Mr. Robertson).

Mr. Laurence Robertson: I am trying to follow the Home Secretary's line of thought, but I am finding it a

[Mr. Laurence Robertson]

touch inconsistent. A few moments ago, he said that it was important to define which religious bodies would benefit. A religious charity, being governed so strictly by the charities legislation, would have a close definition. Will the right hon. Gentleman accept from someone who worked for a religious charity before entering the House that a great deal of good work is carried out by such charities that may not be strictly religious, but which makes it vital that those charities are able to employ people of religious thought?

Mr. Straw: Nothing in the Bill applies to any organisation unless the organisation is a public body—charities are not of themselves public bodies—so what the hon. Gentleman describes would be outwith the Bill in any event. Provided the employment practices of a charity came within the general law—nothing to do with the convention—the Bill would have no effect.

The hon. Gentleman will also be aware that a charity may have a religious objective, but also may have other objectives that are not religious. We believe that we deal with the anxiety that has been raised in the manner that I have described.

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross) *rose—*

Mr. Leigh *rose—*

Mr. Straw: I will give way to the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan), and then to the hon. Member for Gainsborough (Mr. Leigh); then I shall make some progress.

Mr. Maclennan: For the avoidance of doubt, I want to ask the Home Secretary about the wording of new clause 9, which I welcome, but which clearly refers in its own language to the provisions of article 9. I assume that he does not seek to give a priori priority to article 9 over other provisions of the convention that are equally applicable, and would also have to be considered by the court if issues touched by the new clause were raised.

Mr. Straw: The difficulty with the amendments that are now contained in the Bill is that they give absolute precedence to article 9 over all other convention rights. It is our judgment, and I do not think that there is a great deal of argument about it, that that would put the Bill outwith the convention. New clause 9 seeks to do exactly what it says. The language is straightforward. It gives particular regard to the importance of convention 9 rights, but it applies, as I have explained, to the exercise of those rights by a religious organisation or its members collectively. That is an important protection in addition to the Churches as bodies.

Mr. Leigh: The Home Secretary has referred in some detail to new clause 12, which I tabled. He claimed that, although the hon. Member who tabled new clause 12 might have done so innocently, it would have the opposite effect to what he intended. I assure him that I did table it innocently, and that I did not intend it to have the opposite effect to what I intended. He claimed that it would have the opposite effect because, if charities were singled out, people might well have an excuse to attack other organisations. If that is true, why is he singling out schools in his own amendment?

My legal advice is that the exceptions to human rights legislation are interpreted very narrowly by the courts. Only organisations of which the primary purpose is the advancement of religion will be classed as religious organisations, so charities might well be pursued under the convention.

Mr. Straw: The reason why we have "singled out" schools is that local authority schools or those funded by local authorities are public bodies. I come back to the wisdom of the definition of a public authority contained in clause 6, which is designed to ensure that the convention applies only to public authorities or bodies performing the functions of a public authority, and in that capacity alone. Charities per se are not public bodies.

Mr. Julian Brazier (Canterbury): On that very point, what about adoption agencies, to which the right hon. Gentleman referred earlier, and children's homes?

Mr. Straw: That is exactly the point that I was making. An adoption agency may not be a charity. Some are, and some are not. But an adoption agency may be supported by a Church. Of course I accept that the hon. Member for Gainsborough (Mr. Leigh) did not set out to draft an amendment that was perverse. However, having spent 18 years on the Opposition Benches, I can say that, however much wisdom one has in drafting amendments, occasionally one cannot compete with the wisdom of parliamentary counsel. I do not claim that wisdom, but at least I have the benefit of his advice. An adoption agency may not be a charity. The ironic and perverse effect of new clause 12 might be inadvertently to exclude an adoption agency supported by a Church if it was not a charity. We believe that our new clause would include the protection that we are providing.

May I make progress, and deal with Church schools? I have given way considerably, as hon. Members will recognise. We have considered carefully how we can respond to concerns about staffing issues in Church schools in the context of the School Standards and Framework Bill. We have tabled an amendment to that Bill to provide, in relation to voluntary aided schools, that regard may be had, in connection with the termination of the employment of any teacher at the school, to any conduct on his part which is incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination in question.

We are also preparing an amendment to provide, in relation to foundation or voluntary controlled schools with a religious character, that, in appointing a head teacher at such a school, regard may be had to his ability and fitness to preserve and develop the religious character of the school. Those amendments are designed to produce the same effect as amendments to the School Standards and Framework Bill already tabled by the Bishop of Ripon.

We have accordingly made every effort to try to meet Church concerns within the framework of the United Kingdom's convention obligations. Hon. Members on both sides of the Committee will understand that, because of the diverse nature of representations made by the Churches, and because of their own diverse nature,

we were not in a position where we were negotiating with the Churches—frankly, that would have been impossible—but we did try to take on board their concerns.

I should like to thank the Churches and Baroness Young for what they have said about the amendments. In *The Daily Telegraph* of 19 May, Baroness Young is reported as saying that these changes

"will give assurance to people of all denominations that, should there be litigation under this Bill, the courts must pay particular regard to the special position of churches and religious schools."

She is entirely right to say that.

8 pm

The Cardinal Archbishop of the Roman Catholic Church, Basil Hume, wrote to me to say, first, that he wanted to make it clear that he was in favour of the Bill, which seeks to incorporate the convention into United Kingdom law. He then spelled out the anxieties that had arisen, and said that he was grateful to me and to my officials for the way in which we had listened and responded to those concerns. He went on:

"I am delighted that the Government has agreed to move an amendment to the School Standards and Framework Bill. This wholly meets the Catholic Church's concerns about its right to employ in voluntary aided church schools teachers who believe in and act out the Christian, and in our case Catholic, faith in their lives."

I also welcome the fact that the Government has moved an amendment to the Human Rights Bill in order to meet the more general anxiety we have expressed. I recognise the difficulty of framing an amendment in a way which is consistent with the Convention. I have sought the best legal advice and my initial assessment is that the amendment in the form tabled by the Government may be the best that can reasonably be achieved to reinforce the protection given by the Convention to the churches and other faiths under Article 9."

For the sake of completeness, I should tell the hon. Member for Gainsborough that the Cardinal Archbishop also writes:

"I have some hesitations, however, especially over the phrase 'religious organisation' as it is undefined and could be ambiguous."

I hope that I have clarified that point. He continues:

"I very much hope that, in introducing the amendment in the House, you will make clear exactly what its intended effect is. It would also be helpful if you would publicly confirm that for the purposes of this Bill the Catholic Church is not a 'public authority' except when, as you put in your letter, the church is standing 'in place of the state'."

I confirmed that earlier, and I confirm it again.

I also received a letter from the Archbishop of Canterbury, head of the Anglican Church, who says:

"The proposed new clause does not provide the firm guarantee of the Churches' continued doctrinal independence which we have sought, and you will appreciate that not all Church members will therefore be satisfied with it.

Nonetheless, I am grateful both for the new clause and for the proposed amendments to both the Human Rights Bill and the School Standards and Framework Bill which, together with the assurances given by the Lord Chancellor in the House of Lords and the other amendments already made in response to the concerns of the churches, I believe constitute a significant improvement.

For the present may I repeat my gratitude for the efforts you have made in response to the concerns expressed to you by myself and other Church leaders."

Having put those points on the record, let me deal briefly with the other amendments in the group. As we shall be inviting the Committee to remove the provisions inserted by another place, we naturally cannot accept amendments that would amend those provisions. Accordingly, we cannot accept amendment No. 8 to clause 2, or amendments Nos. 55, 57, 113, 114, 115 and 116 to clause 7.

Nor can we accept amendments that would extend the principle on which the provisions inserted by another place were based. For that reason, we cannot accept amendment No. 40, which is concerned with appointments to governing bodies and admissions policies at Church schools. If there is any problem in those areas in connection with the convention rights—I am not aware of any reason why there should be—the right place to deal with it is in specific legislation on education rather than in the Human Rights Bill.

We cannot accept amendment No. 56, which builds on clause 7(8), by providing that nothing in the Bill makes it unlawful for persons acting on behalf of a Christian or other principal religious tradition represented in the United Kingdom to refuse to carry out certain acts, such as administer the sacrament, if they are contrary to their religious doctrines or convictions. As I have explained, we do not believe that the Bill would require Churches to act against their conscience for one moment, and new clause 9 will reinforce that.

The remaining amendments in the group take a different approach to the issue of the impact of the Bill on Churches and other religious organisations. For reasons that I have explained and I which hope the Committee will accept, we find those amendments unacceptable.

Amendment No. 100 would operate on clause 6(3) so as to provide that a 'public authority' does not include the persons listed in what would be new schedule 1. Those are priests, ministers and other officials of a Church, religious denomination, mosque, synagogue or temple; persons exercising functions under the authority or on behalf of their membership; and persons exercising functions in connection with the ecclesiastical courts of the Church of England—with which, for a brief period in my career, I was all too familiar.

Mr. Hogg: I do not want to take the Home Secretary out of his sequence, because I realise how tiresome that can be, but is he going to tell us why, in Government amendment No. 44, he is seeking to remove from the Bill the provisions set out in clause 7(8) and (9)? I understand that he accepts those provisions in principle, but he is none the less removing them from the Bill. Is that for drafting reasons, or because of some other consideration which I have not yet fathomed?

Mr. Straw: I am grateful to the right hon. and learned Gentleman for that intervention, and I shall deal with clause 7(8) I shall come back to him if he is not satisfied with my answer on that or on clause 7(9).

The reason that we seek to remove clause 7(8) is that, in our judgment, the way in which it is drafted discriminates between principal religious traditions and others, which is unfair to minority religions. It would draw the courts into consideration of doctrinal matters, which is the last thing anyone wants.

We also believe that it is in the wrong place: specific concerns about the conduct of marriages are properly addressed in marriage legislation, not in a Bill of general

[Mr. Straw]

application such as the one before the Committee. When an equivalent point was raised about the position of Church schools, I advised the Bishop of Ripon that the best place to address that was in amendments to the School Standards and Framework Bill. We then facilitated the tabling of amendments, and we have ended up with better legislation than was originally intended.

Amendment No. 90 removes references to Measures of the Church Assembly and Measures of the General Synod of the Church of England from the definition of primary legislation in clause 21. The effect would be to leave the courts with no indication of whether those were to be treated as primary or subordinate legislation for the purposes of the Bill. The courts need to know that, because it affects what they will be able to do if such Measures are considered to be incompatible with convention rights.

The Measures are to be treated as primary legislation, because, under the Church of England Assembly (Powers) Act 1919, with which right hon. and hon. Members will be instantly familiar, Measures have the force and effect of an Act of Parliament once they receive Royal Assent. The Church by law established, of which I am an active member, is in a different position from any other Church, and, as long as it is established, there are things that go with that territory which cannot be avoided.

We amended the Bill in another place to ensure that such Measures, if declared incompatible by the courts, could not be amended by the Government under the remedial order procedure. The response we had from the Church of England at that time demonstrated its satisfaction on that point, and I am not aware of any remaining concern about the application of the Bill to Church Measures.

I have spoken at some length, but the impact of the Bill on the Churches is an extremely important issue, and I wanted to explain fully the conclusions we had reached. I said on Second Reading that I recognised the concerns that had been expressed, and that I would listen to what was said. Not only have I listened, but I have sought to act, and to go as far as we believe we can within the convention to meet those concerns.

I commend amendments Nos. 41, 44, 137, 137A and 138 and new clause 9 to the Committee. I hope that, in light of the explanations that I have offered, Hon. Members who tabled the other amendments in the group will seek leave to withdraw them.

Sir Brian Mawhinney: I start by declaring an interest. I am a Christian, and have been in continuous Church membership for about 40 years. Happily, that does not make me even remotely unique in the House or on either side of the House, but it does mean that I approach this subject with a bias. I approach it with a bias in determining that the Bill should not impinge or intrude on the beliefs and practices of Churches and religious organisations in a way that would be incompatible with their historic traditions and formularies.

I am grateful to the Home Secretary for the courtesy that he has shown to myself and others. On Second Reading, we urged him to consult, and he did so. He and I have had many conversations, so I place on the record my appreciation of that fact, and my certainty that he was right to consult.

His approach contrasts sharply with the line that the Lord Chancellor took in another place, where he told the Lords that it never occurred to anyone in the Government that the Churches would have any particular difficulty in playing their proper part in the enforcement of human rights in Britain. That was either an expression of considerable arrogance on his part, reflecting a lack of knowledge of Church practice and belief, or an indication of an unwillingness to contemplate that genuine concerns might be raised by the Bill, which the Government would need to address. By his words, he sucked the Home Secretary into that arrogant view, but I want to make it clear that that has not been my perception of the Home Secretary in his dealings on the matter.

The imputation that the Churches were trying to wriggle out of their human rights responsibilities is indefensible. A press release issued by the communications unit of the General Synod of the Church of England on 9 March, which covers the meeting that took place between the Home Secretary and representatives of the Church of England, the free Churches and the Roman Catholic Church, says:

"All the churches made clear their warm welcome for the main thrust of the Bill, which enables the rights enshrined in the European Convention on Human Rights to be directly enforced in the UK courts.

In the view of the churches, however, a problem may arise for them because the Government has chosen in clause 6 of the Bill to give a wide definition of 'public authority' which will include the churches. No other European country has done this and the churches are advised that this could be a source of real difficulty, in particular because it would allow the UK courts into uncharted areas where there are no precedents in Strasbourg."

I shall return to that point.

There is no suggestion, therefore, that the Churches do not wish to support the general thrust of the Bill, and it is unacceptable to try to suggest—as the Lord Chancellor did—that the fact that they have legitimate concerns, which have blossomed since he made those ill-advised comments, means that they oppose the Bill generally.

I could take much of the Committee's time—I am sure that it would be put to good use, although I hope that I would not incur your ire if I did so, Mr. Martin—repeating many reflections of the unease and concern of the Church. The *Catholic Times* of 15 March and 12 April; *The Church of England Newspaper* of 9 April; a letter to *The Times* from leading members of the General Synod of the Church of England, supported by at least 50 other Synod members, of 5 February 1998; and very many other articles and letters reflect such concern. As we debate this issue tonight, we are discussing not something in the margin of the religious life and activity of this nation, but a subject of general concern.

8.15 pm

I believe that the Bishop of Ripon—whom the Home Secretary mentioned—was the first to bring out the vexatious litigation point to which the Home Secretary referred. He said:

"We are aware that there are hostile, anti-religious groups which would be only too glad of an opportunity to test in the courts the actions of religious bodies and people acting in accordance with their beliefs and convictions.

The Church of England, and I suppose other Churches, have already had considerable experience of litigation which they have resisted, but it is costly in terms of money and energy. It is likely

that there will be groups which will be only too happy to take Churches to the British courts to prove a point. It will be costly for those who have to resist such actions."—[*Official Report, House of Lords*, 5 February 1998; Vol. 585, c. 774.]

Therefore, tonight we are discussing not only belief and practice, but the more mundane but equally important issues of vexatious litigation, cost and a permanent sense of Churches and religious bodies under pressure to conform to standards, belief patterns and moral judgments which, historically and theologically, they do not accept or believe.

When, on 15 May, the Home Secretary wrote me a letter, which he has already mentioned, he said—I am not trying to create a wrong impression by reading only a short extract; I am merely trying to save time—

"Most of the things that churches do are, in the legal context and in the context of the European Convention on Human Rights, essentially private in nature, and would not be affected by the Bill. Where the churches stand in place of the State, however, we think it is right in principle that people should be able to raise Convention points in respect of their actions on the same basis as they will be able to do in respect of the actions of other 'public authorities'—however rarely the occasion may arise."

The Home Secretary defined Churches in that paragraph as standing

"in place of the State".

He used that definition at the start of his speech. If that is the definition, his speech has—with one proviso, to which I shall come later—a logical coherence. The problem is that that is not how the Bill defines those issues. As the Lord Chancellor pointed out, the Bill defines public authorities in the context of their functions—not standing

"in place of the State",

but in the context of the activities that they undertake and the power that they discharge.

That appears to me an important point. I return to the intervention that I made on the Home Secretary. At the heart of our problem with the Bill—I shall expand on this shortly—is the Government's unwillingness to translate their own beliefs into unambiguous language, so that everyone understands exactly where they stand.

The right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) put his finger right on the spot. When asked about new clause 9, the Home Secretary was caught in a cleft stick or, to change the metaphor, between a rock and hard place. He had used new clause 9 to persuade the cardinal and the archbishop that that is the sort of thing that they want from the Government.

The right hon. Gentleman pointed out that new clause 9 simply reflects article 9 and cannot be given the interpretation of particular regard that the cardinal and archbishop would wish to give them the certainty that they have been seeking for some months, because to do that would go against the grain of the Bill. The Home Secretary was at least honest and open in responding to that good intervention.

We have an understanding that Churches and religious organisations, as well as matters of belief and practice, are involved in education. The Home Secretary made it clear that the education aspects will be dealt with in another piece of legislation, so it would be appropriate to leave them for another Committee to deal with rather than deal with them tonight. However, I mention them if only to recognise the importance that we attach to them.

The Churches and religious organisations provide homes for people, caring services and charitable functions, and most people—but apparently not new Labour—would recognise that those are not necessarily, or by definition, state functions. Registering a marriage is a state function, but marrying people in the eyes of God is not. We are left wondering why the Home Secretary believes that a secular court should be charged with deciding what constitutes a public or private authority function, and whether in law, and in Strasbourg law, there is any difference between the two.

I keep using the word "function" because it is the only defining modus operandi that the Lord Chancellor used, to which the Home Secretary has not added in his contribution this evening, and because, despite all our probings, the Government will not define a public authority. It is unusual for Governments to bring forward legislation, particularly legislation of major significance, and leave undefined one of its central issues.

The Home Secretary accused me of issuing a truism. I plead guilty. The right hon. Gentleman is a lawyer and I am not. I am just a humble scientist. [HON. MEMBERS: "Ah."] That evokes the usual patronising response from lawyers. However, I understand that, while the courts interpret what we say, it is usually hugely to the courts' advantage if we say what we mean before we ask the courts to interpret it. The charge against the Government in this regard is that they will not say what they mean. They are, in effect, washing their hands of the issue, so that the courts can take any opprobrium that might flow from the legislation. I agree that plenty of opprobrium will flow from the amendment.

The White Paper made constant references to the position of public authorities, citing central and local government and others exercising similar executive powers, among which were the police, immigration officers, prisons, courts, tribunals and privatised utilities that exercise public functions, and to the need for the exercise of those powers in a way that was compatible with the convention.

Interestingly, in the White Paper, the examples of such public authorities did not include Churches, religious organisations or religious charities. The underlying legislative intention was, as stated, in no way related to such bodies. The Bill was not intended to encroach on the religious freedom that Churches have hitherto enjoyed, yet, because of the obscurity of the definition of a public authority in clause 6(3), which includes

"any person certain of whose functions are functions of a public nature",

but not when a particular act of that person is, by its nature, private, it is now recognised that such bodies may be caught by the Bill for certain of their activities. The Lord Chancellor said that Churches, hospices, schools and charities that work with the homeless may all exercise public functions.

The European convention was intended to protect the individual against the state. Clause 6 makes it possible for Churches and religious organisations to be deemed part of the state—a public authority—when they carry out public functions. But I am advised that what the Home Secretary told us was simply not the case; that there is no jurisprudence from the Strasbourg court on public authorities claiming an article 9 defence. Therefore, I should be grateful if the Secretary of State for Scotland addresses that specific point when he replies.

[Sir Brian Mawhinney]

The Secretary of State for Scotland clearly was not listening, so I shall repeat that. I have been advised that there is no jurisprudence from the Strasbourg court on public authorities claiming an article 9 defence.

Mr. Straw: We were listening. We were looking perplexed because we did not follow the point, but we were listening. It was because we were listening that we could not follow the point. What I was trying to work out with my right hon. Friend the Secretary of State for Scotland was how article 9 is directly relevant to the definition of a public authority. One must first decide whether the convention rights attach to a body by deciding whether it is a public authority. If it is a public authority as defined, all the convention rights as circumscribed by the Bill will apply. If it is not a public authority, they will not. I am sorry, but I am not following the right hon. Gentleman's point.

Sir Brian Mawhinney: The Home Secretary made it clear that Churches or religious organisations had no need to worry about being a public authority, because they could have protection in terms of Strasbourg jurisprudence and the primacy of UK law.

I have been advised that that is not the case in terms of an article 9 defence for public authorities in the context of Strasbourg jurisprudence. Because there is a difference of opinion and advice between us, I was asking the Secretary of State for Scotland to address that point when he replies.

Mr. Leigh: It is important that we deal with the Home Secretary's intervention, because he may have misunderstood what his officials have told him. The Home Office has repeatedly made it clear in recent weeks that it is precisely the right to freedom in article 9 that would protect the Churches. The Home Secretary is now trying to wriggle away from that. I do not see what point he is trying to make.

Sir Brian Mawhinney: I am grateful to my hon. Friend, and I am encouraged that my argument was understood by him, if not by the Home Secretary. I look forward to hearing what the Secretary of State for Scotland says in his response.

Rev. Martin Smyth: The right hon. Gentleman referred to Strasbourg jurisprudence and decisions. The court in Strasbourg heard a case taken by an atheist against the Salvation Army in Holland, on the ground that the Salvation Army had discriminated against him because he was not a Christian. Has the right hon. Gentleman any knowledge of the case, and does he know the outcome? The court's decision would provide guidance.

8.30 pm

Sir Brian Mawhinney: My hon. Friend is right. After I deal with the philosophical problem, I shall discuss various practical examples. The system of belief and practice that underlies the issue is of fundamental importance—my hon. Friend, as a Presbyterian minister, would certainly accept that—but the practical application is also important. I shall shortly come to the point that he makes.

When the Secretary of State for Scotland sums up, will he comment on the acceptance by the European Commission of Human Rights in the recent case of Thomas Tyler, when the commission considered that

"the applicant's functions as a priest"

of the Church of England

"are more in the nature of public service than they are of private professional practice."?

That is a stunning statement by the European Commission. The Home Secretary spent a considerable part of his speech telling us that there was a clear distinction between the public and the private, with respect to the Church and the discharge of its functions. He said that virtually everything that the Church did was private and would therefore not be covered by the Bill, and that only a little bit of what the Church did was public, when it was standing in place of the state. Yet the European Commission said exactly the opposite in that recent case—I believe that it was in 1994—when it stated that the priest's functions are

"more in the nature of public service".

We need to hear from the Secretary of State for Scotland how the Government reconcile the European Commission view with what the Home Secretary has just told the Committee.

The Secretary of State for Scotland (Mr. Donald Dewar) *rose—*

Sir Brian Mawhinney: Let me make progress. We shall return to the matter.

When, on Second Reading, we asked the Government to look again at the issue, they had four options for change. They could have excluded Churches and religious organisations entirely. That was the strongest option, and the Government rejected it. They could have given Churches an absolute defence. That was the next strongest option, but they rejected it. They could have introduced legislation that catered for specific cases, but they rejected that option. They could have issued broad principles to guide the Church when religious liberties are involved. That was the weakest of the four options, and, interestingly, the one that the Government chose. We want to know why.

The junior Home Office Minister in another place declared that Baroness Young's amendment, which the Government now want to delete, could be incompatible with the convention. The Home Secretary made the same point this evening. How would it be incompatible in this country, yet it is not incompatible in Germany?

The German constitution is hierarchically superior to the European convention on human rights and includes a general guarantee of freedom of religion. The main religious denominations in Germany have public law status, which allows them, among other things, to raise taxes. They also have entrenched religious freedoms. All that is possible in a country that subscribes to the convention, but the Home Secretary tells us that it is impossible in this country, which equally subscribes to the convention.

I shall make one final attempt to persuade the Home Secretary to change his mind on the matter and to deal head on with the Opposition's concerns. Freedom of religion necessarily raises greater issues than other

freedoms, because the granting of such freedom, if it is to mean anything at all, means allowing liberty to a group of people to arrange their structures and organise their activities in accordance with their deeply held beliefs. Such a group cannot operate in freedom if it is bound to include those who do not share its beliefs or conform to its standards of behaviour. Moreover, the nature of the beliefs held will usually affect every aspect of life, including the exercise of functions of a public nature.

Major religious groupings, and in particular Christian Churches or organisations in the UK, have not been limited to private activities. Historically, they have met vital public needs as part of their mission, and they consider themselves bound to continue to do so. Many Christian organisations meet social needs today which, in the absence of those organisations, the Government would feel bound to meet by other means.

Although many such activities have historically benefited non-adherents to the Christian faith as much as adherents, freedom of religion necessarily involves distinguishing between those who are adherents and those who are not, for the purpose of engaging those who work for the body in question, and in some circumstances to identify the beneficiaries, as some bodies may wish to benefit the adherents exclusively, or at least in priority to non-adherents—for example, religious schools.

There is an inevitable conflict between the freedom of the individual, set out in articles 8 to 12, and as elaborated by article 14 and its prohibition of any discrimination in the enjoyment of such individual rights on the ground of religion, and the freedom of others in a group to manifest their religion or beliefs in practice and observance, in accordance with article 9.

That conflict must be resolved in favour of the group, if there is to be freedom of religion. A group of believers must be free to include only those who share the same beliefs and standards of behaviour, and therefore of necessity to exclude those who do not, whether or not that is labelled discriminatory.

Historically, the secular courts have not interfered with such matters, because they involve issues on which those courts are not competent to adjudicate. Ecclesiastical courts exercise jurisdiction for the established Churches, while other historic Christian denominations or non-Christian religions have been permitted to regulate themselves according to their own patterns of belief and behaviour.

That position should be maintained, in the absence of a breach of the criminal law. Secular courts, especially in an increasingly secular society, should not attempt to judge spiritual issues, nor seek to impose a value system that compels those who, for example, hold a Christian world view to treat others who do not as if they did, and in particular to accept them into their organisation, whether as leaders or employees in any capacity or for any purpose. The courts should not treat the beliefs and standards of a person as irrelevant when dealing with an organisation whose particular beliefs and standards are essential to its existence, whether or not that organisation is fulfilling a role that the Government might otherwise perform.

That seems to me to be an eminently deep and important illustration of the problem that lies at the heart of the Bill. I ask the Home Secretary once more to consider the implications of my remarks before he presses the amendment, which, in the present circumstances, the Committee will approve—for that is the nature of this place—and opens a Pandora's box in the process. I am grateful to the barristers Messrs Cooke and Wales—who have written about this subject not only to me but to other hon. Members—for their insights and their erudition, upon which I have drawn heavily.

I come now to the more practical aspects of the legislation. People are concerned about the implications of the Bill. They are worried about the issue of gay marriages. They are concerned that Churches or religious organisations may be sued if, for example, the Anglicans refuse to have a woman as a bishop, the Muslims refuse to have a woman as an imam, the synagogue refuses to have a woman as an orthodox rabbi, or the Catholic Church refuses to have a woman as an ordained priest. They are not simple issues. I shall give some examples of possible litigation under the Bill.

Let us take the example of a Church school where the headmaster is required to be a practising member of the denomination. The headmaster leaves his wife for another woman who is a teacher at the school. He admits that, and is asked to leave. He then sues for unfair dismissal citing discrimination, article 14, on the ground of his private life, article 8, as part of his claim. He also claims religious discrimination, article 9, as he believes that it is not against his religion to behave in that way.

Mr. Grieve: I am following my right hon. Friend's argument closely, but I confess that I find the breach of article 9 difficult to understand. While I recognise that there is a potential conflict with articles 14 and 8, I cannot follow his argument regarding article 9. How can he argue that the headmaster's own religious beliefs were discriminated against in that example?

Sir Brian Mawhinney: As I made clear in my example, the man might believe that his behaviour was not incompatible with his religion, even though the school judged that it was.

Let me give another example. An atheist applies for a teaching job in a theological institute. His application is refused, so he sues the institute authorities on the ground of religious discrimination. I can inform the hon. Member for Belfast, South (Rev. Martin Smyth) that that illustration is based on the facts of a case involving the Salvation Army Institute that is currently before the Dutch courts. I do not know the outcome of the case, but the hon. Gentleman referred to it earlier by way of intervention.

Mr. Peter Brooke (Cities of London and Westminster): My intelligence is that the case has been settled in favour of the Salvation Army, but at very considerable expense.

Sir Brian Mawhinney: I am grateful to my right hon. Friend.

Let me give another example. What about the sale of pornography on Church-owned premises? Suppose the Church Commissioners own a shopping centre and they incorporate into their leases terms forbidding the sale of pornography on the premises. A newspaper vendor breaches those terms, and the commissioners seek a court order forcing the vendor to vacate the premises. In his defence, the vendor cites his right to freedom of

[Sir Brian Mawhinney]

conscience and belief, article 9, and to freedom of expression, article 10, and the right not to be discriminated against for his opinions, article 14.

Let us take the example of a Muslim community centre that receives its funding from the local authority. The building is used for Muslim community events, religious services and religious instruction. A humanist group seeks to hire a room to conduct a public meeting but is refused. The group sues claiming discrimination, article 14, on freedom of conscience grounds, article 9, and its right to freedom of expression, article 10, and freedom of assembly, article 11.

Let us take another example of a Christian hospice that is committed to caring for the terminally ill and is completely opposed to euthanasia. It receives grant aid from the local authority. A pro-euthanasia group seeks to advertise its work and make a presentation to the hospice. The hospice refuses and the pro-euthanasia group sues, claiming breach of the right to freedom of conscience and belief, article 9.

Then there is adoption. Let us say that a religious-based adoption agency refuses to recommend a placement with a homosexual person. The agency is sued on the grounds that it is breaching articles 8 and 14. Many such examples could be cited, all of them flowing from the Bill, which the Home Secretary assures us will not have the consequences for belief and practice that manifestly it will.

8.45 pm

The Government have introduced new clause 9. As I said, it simply reflects article 9. In effect, it says to the courts, "When you are considering these issues of the European convention, you have to consider article 9. You have to give particular regard to it." However, as the right hon. Member for Caithness, Sutherland and Easter Ross said, it is not necessary to give it the overwhelming priority that the Home Secretary is seeking to achieve by way of persuasion, but which is not in the Bill.

Our amendments Nos. 8, 100, 40, 90, 46, and 55 to 57 are all designed to strengthen the protective shield to Churches and religious organisations and their religiously related activities. Those amendments were put into the Bill in another place, and the Government wish them all to be removed. We do not support Government amendment No. 137A for the reasons that I have given, but the Government do.

I do not accuse the Government of mendacity or deliberately seeking to mislead. I merely accuse them of producing legislation that they then seek to persuade people to believe in on the ground that it meets their legitimate concerns when legally it does no such thing.

On 13 May, a number of leaders of Christian Churches and organisations, including the National Club, the chief executive of Tearfund, Shaftesbury Housing Group, the Evangelical Alliance, the Shaftesbury Society, the Church Pastoral-Aid Society, the Institute of Contemporary Christianity and a number of well-known churches in London wrote a letter to the Prime Minister. They sent him a copy of the document from which I have extensively quoted. They wrote:

"We write to express our continuing concern about the probable impact of the Human Rights Bill upon the communities that we represent. We enclose a paper prepared for us by Leading Counsel which explains clearly how the Bill could well curb religious freedom and lead to costly litigation for churches and charities."

It continues:

"The enclosed letter from the Home Office is typical of the arguments which have been used by many M.Ps to try to reassure us. But the letter fails to address the central issue, namely that if the Bill extends the scope of the Convention's application to churches and charities as public authorities, it may create situations where actions of those organisations in accordance with their historic Christian beliefs conflict with the Convention rights of other individuals. This conflict of rights would have to be settled by the courts at great expense. It would be quite wrong for the churches to have to bear this cost, let alone the risk of a secular Court deciding that Christian organisations are prohibited from acting in accordance with historic Christian doctrines and morals in the context of what may be held to be 'functions of a public nature' which they may perform. Christian churches and charities apply in their functions the Christian values which are essential to their very existence. It should be a matter of concern to the public and the Government to ensure that their actions, taken on the basis of historic Christian beliefs, are not held up to lengthy and costly scrutiny in the secular courts—to the detriment of the public good for which those organisations strive.

It is not our purpose to question the Government's intentions (indeed, we support the aim of the Bill) but rather to highlight the effect of the Bill on the churches and charities we represent."

Mr. Dewar: It might clarify what I shall say at the end of the debate if the right hon. Gentleman could explain to me the extension to which he is referring. The convention on human rights has been relevant to the Churches in this country since it was ratified here in 1953. The only change is the forum in which a case can be taken—that is, it can be taken directly in the domestic courts rather than in Strasbourg. The whole gravamen of the right hon. Gentleman's case appears to be that there has been some sort of new threat or extension. I genuinely do not know what difference there has been, other than the point about the forum. It seems to me that the threat—if there is one—has existed since 1953 and that it will not essentially change as a result of this legislation. Can he explain why I am wrong?

Sir Brian Mawhinney: That is clearly the Government's view—[*Laughter.*] It is clearly neither our view nor that of the Churches and religious organisations, because this legislation will open up opportunities for litigation and movement into areas of belief and practice.

If the Secretary of State for Scotland thinks that there is no problem with belief and practice, why does he not amend new clause 9, for example, to refer to freedom of thought, conscience, and religious practice and belief, as well as religion? The right hon. Gentleman has an easy remedy: if he thinks that we are wrong and that what he says is right, he can copper-bottom what he says by amending the provision, to remove the opportunity for Opposition Members or anyone else to make mischief, as he would see it, around the legislation. The fact that he will not do that—the Home Secretary has already told me that he will not—is precisely the cause of the concern that is being expressed.

Mr. Leigh: A direct answer can be given to the Secretary of State for Scotland. He claims that the convention has been around for many years, but the Bill does not simply incorporate the convention into UK law; it creates a new Bill of Rights, and judges will be able to go further than Strasbourg judges. Strasbourg judges are, by their very nature, conservative in social matters, and they normally use the "margin of appreciation" to exclude such cases. UK judges could go much further than

Strasbourg judges have gone in the past 30 years. That is the Churches' concern and the answer to the Secretary of State.

Sir Brian Mawhinney: My hon. Friend is absolutely right. That is encapsulated in the point that I have already made two or three times, so I shall not elaborate again. The Secretary of State for Scotland could assist the Committee by defining public authority and tabling amendments that remove any anxiety that might exist.

The letter to which I referred has not been answered by the Prime Minister, the Home Secretary or the Lord Chancellor, to whom it was copied, but it contemporarily reflects the continuing legal, moral, Christian and spiritual concerns about this legislation in general, and the amendment in particular. For that reason, when we reach the end of the debate, we shall wish to divide on the Government amendment.

Mr. McNamara: I listened with interest to the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney). I confess that, if I felt that there was any risk of the terrible events that he suggested occurring as a result of this legislation, I would be running around my hon. Friends whipping them into the Lobby in support of his amendment. However, I do not agree that there is such a risk. To those who doubt that statement, may I say that I have a history—not only tonight but on other occasions—of whipping hon. Friends into Lobbies to vote against my party, so it is not an idle assertion. I take no pride in having had to do that, but it shows that Back Benchers are sometimes right and sometimes wrong about Governments.

I am concerned that the right hon. Gentleman's language might whip up fears among many people—fears about matters that are not in the Bill. When we forced him to give way to my right hon. Friend the Secretary of State for Scotland, he did not explain why, suddenly, those fears have appeared when we have been bound to the convention, and cases have been going to Strasbourg for all that time. Such matters have hardly been raised in that particular way.

New clause 9, which has been tabled by my right hon. Friend the Home Secretary, deals with those fears. It states:

"If a court's determination of any question arising under this Act might affect the exercise by a religious organisation (itself or its members collectively)"—

which presumably is the public profession of their worship and ritual—

"of the Convention right of freedom of thought, conscience and religion, it must have particular regard to the importance of that right."

There will not be regard, but "particular regard". That provision is in the new clause and my right hon. Friend has stated his interpretation of a public organisation.

We should consider what is a public organisation and what is a sacrament. The right hon. Member for North-West Cambridgeshire and other Conservative Members have got on to murky ground. Is the sacrament of matrimony two people agreeing to live together for life? Common theology is that that constitutes it. Two people making such a decision would live in a perfect state of grace—not necessarily over the brush—and in a proper way, from a Christian view of the nature of marriage.

The Church wants to protect the parties, so it says, "That is right, but the Church will be the witness of that function." The state says, "We have a duty in civil society to regulate people's relationships so that we have a degree of order. Therefore, if the Church exercises a public function—if it carries out something necessary for civil society—we shall lay down rules about a man and a woman, about forms and about witnesses." That is a civil society matter. The Church protects its position by holding a ceremony—generally, but not necessarily, in front of an ordained priest. For a Christian, however, the sacrament is when the two parties decide that they want to live together as man and wife.

For the life of me, I cannot think that anyone would litigate on any of those three causes, except to say that the form of the marriage was not valid in the eyes of the state, which would have a duty to intervene. The question whether a marriage was proper in the eyes of the Church would be for the Church to decide; it would not alter the position with regard to the state.

All sorts of problems are being built up, but they do not exist in practice. Churches carry out public functions, and the state has the right to examine the way in which they are carried out. Churches receive money for hospices, orphanages, reform hostels and schools. The state has a perfect right to ask whether taxpayers' money is being spent properly.

No one belonging to any Church organisation has any right to run away and start saying, "You can't interfere with my religious practice by telling me how I have to spend money that you, on behalf of the taxpayer, have contributed to my public function at that particular time." I do not think that any hon. Member would argue against the state's right in those circumstances. If that is true, why are we worried about the Secretary of State's new clause? There is no need whatever to do so.

9 pm

What has fascinated me about this debate is the way in which problems have been raised in relation to education, which the Government had said they would deal with. Because they defeated the case of the right hon. Member for North-West Cambridgeshire, he said that he would refer to education matters on another occasion or in another way—except, of course, that, when the right hon. Member for Maidstone and The Weald (Miss Widdecombe) was making her case, and the right hon. Member for South-West Surrey (Mrs. Bottomley), the former Secretary of State for National Heritage and Secretary of State for Health was jumping up and saying, "Are you going to have atheists appointed as head masters of Catholic junior primary schools?" or whatever it was, a special amendment was tabled in the House of Lords, which said that there should be control over the appointment of head teachers, deputy heads and senior appointments.

I read that, and I thought, "This is rubbish." Those people should be worried not about what the head teacher or deputy head are telling the kids, but about what a class teacher or specialist are telling a group of children, of whatever age, in class. In fact, the amendment that was passed in the upper House weakened the whole position that the Churches have had since 1902. It was a rubbish amendment, and that is why I felt it necessary to table my amendment—just in case the Secretary of State had a

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brainstorm and felt, for one reason or another, that he might accept it. I wanted to make the point that it affected every teaching appointment.

What did the Secretary of State do? He met the cardinal archbishop and his representatives, and the Archbishop of Canterbury and his representatives. He came to the new clause 9 and then dealt with the amendment that had been tabled by Baroness Blackstone in another place, which meets all the points that have been raised by the right hon. Member for North-West Cambridgeshire. He gave the example of someone who has an adulterous affair or has a divorce and gets remarried.

Let us take a position, for example, in a Catholic school. Baroness Blackstone's amendment to clause 59 of the School Standards and Framework Bill states:

"If the school is a voluntary aided school—

(a) preference may be given, in connection with the appointment, remuneration or promotion of teachers at the school, to persons—

(i) whose religious opinions are in accordance with the tenets of the religion or religious denomination specified in relation to the school under section 66(4), or

(ii) who attend religious worship in accordance with those tenets, or

(iii) who give, or are willing to give, religious education at the school in accordance with those tenets".

That is the first appointment. That is great, but, in the example that we have been given, the head teacher has transgressed, so the clause goes on:

"(b) regard may be had, in connection with the termination of the employment of any teacher at the school, to any conduct on his part which is incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination so specified."

That is the strongest declaration ever in the history of the state for the preservation of the position of religious schools. It could not be stronger or better. Many of the remarks of the right hon. Member for North-West Cambridgeshire can be dealt with in a similar way.

Mr. Brazier: I have been listening carefully to the hon. Gentleman. I believe that he is right about the amendment on schools. Many Conservative Members are trying to point out that such safeguards should be extended to other religious organisations, particularly those that have even greater control over children, such as adoption agencies and orphanages, which the hon. Gentleman has mentioned.

Mr. McNamara: Let us go back to new clause 9, which says that particular regard must be given to

"the exercise by a religious organisation (itself or its members collectively) of the Convention right to freedom of thought, conscience and religion".

We could produce a shopping list of who should be covered by that, but we would be bound to miss some. One of the amendments mentions charities, but many adoption agencies are not charities. Much of the work that will be protected by the new clause is not formally registered, because many such organisations are informal associations. Bodies such as the St. Vincent de Paul society and the Church of England men's fellowship would be protected by the new clause.

Those are important issues, going to the root of what many of us believe about our society and how we run our lives. I ask hon. Members not to be carried away by right-wing religious fundamentalists who do not want to see what is going on.

Mr. Brazier: That is unworthy.

Mr. McNamara: I have seen such people in operation. Some material that has come to me was misleading about the nature of the what the Government have said, and did not demonstrate a proper examination of new clause 9 and the amendments tabled in the other place, perhaps because of a lack of time. Some of the accusations that have been made are not justifiable, given the facts and the history of the exercise of the convention.

Mr. Grieve: I have listened carefully to the hon. Gentleman on this difficult issue. He suggests that new clause 9 should be sufficient to define how the courts should approach a potential conflict in the convention. Is he satisfied that the wording of the new clause is sufficient? It emphasises only the first part of the sentence in article 9, rather than going through, not to the end—because some of it would not translate properly—but to the section towards the end that deals with the manifestation of religion and belief in worship, teaching, practice and observance.

Mr. McNamara: The amendment tabled by Baroness Blackstone deals with teaching. New clause 9 covers observance and practice. Therefore, I come back to where I plan to finish—to assure my hon. Friend the Minister that I shall not be pressing my amendments, on the basic principle that I have already today had one good bite at the cherry, and I should not push my luck too far.

I also tell my right hon. Friend the Home Secretary that I was very interested to hear that he will be explaining to the Committee what the Government will do on amendment No. 111, which was passed. I look forward to hearing the statement on an early occasion, and can think of no better way of marking the convention's 50th anniversary than for us to sign that protocol.

Mr. Maclennan: This has been an extremely interesting debate. I start from a position that is almost 180 deg removed from that expressed by the hon. Member for Hull, North (Mr. McNamara), as I did not come to consideration of the Bill with any anxiety that Churches would be threatened by it. Far from holding such a view, I believe that the Churches' position will be greatly strengthened by passage of the Bill. For the first time in our domestic law, specific protection will be given to them by a statute passed by the British Parliament, explicitly and in terms invoking the protections of religious freedom.

The entire jurisprudence of the European Commission, of the European Court of Human Rights and of countries that had comparable domestic legislation, such as the Netherlands and the Federal Republic of Germany, has shown how those protections had been interpreted over 50 years, in a manner that leaned heavily towards protecting the institutional interests of Churches wherever those interests were called into question.

There is a long list of examples of attempts to claim that a fundamental right and freedom has been violated by a Church organisation. In Germany, for example, a doctor in a Roman Catholic Church hospital was dismissed because he believed in euthanasia, but his case failed in the courts. Similarly, doctors in hospitals run by the Roman Catholic Church have been dismissed because they favoured abortion in some circumstances. Many such examples have put beyond doubt in my mind how those matters were viewed by the courts in countries that for many years had been subscribing to the European convention on human rights and giving effect to its provisions in their domestic law.

I confess to having been quite astonished by some of the initial expressions of concern about the Bill by members of different Churches. Although it should be said that a variety of views have been expressed even within the Church of England on the weight to be given to those concerns, the concerns have nevertheless carried sufficient weight to inspire their Lordships substantially to amend the Bill—in ways that I thought were profoundly damaging to its coherence and integrity. Were the Bill to be passed in that form, the amendments would create great uncertainty in interpreting the Bill, not least in its definition of religion—which may itself be regarded as discriminatory by those who sought the Bill's subsequent protection, and who are perhaps not members of what would be categorised as one of the principal religions.

I believe that the Home Secretary has taken very seriously those concerns, consulted very widely and given us a very fair account of the outcome of the consultations. As he rightly said, he was not engaged in a negotiation, but he showed himself to be sensitive to the concerns of the Churches and has bent over backwards to accommodate those anxieties by producing new clause 9.

9.15 pm

We can certainly live with the new clause, and my right hon. Friends and I will support it, although in all honesty we doubt its absolute necessity. It is a belt and braces operation. If it makes the minds of those who think that they will be adversely affected any easier, I am perfectly happy that it should be accepted, although it will have a rather limited effect.

The position of the Church of Scotland is in some respects different and unique, for it is invoking a constitutional principle concerning the effect as it perceives it of the Church of Scotland Act 1921. I do not propose to develop the arguments. I hope that my hon. and learned Friend the Member for Orkney and Shetland (Mr. Wallace) will be successful in catching your eye, Sir Alan, to do so. I have been in dialogue with the Church and understand its concern, although I do not entirely share it. The Bill in its present form does not touch upon the exercise of the spiritual jurisdiction of the Church of Scotland, which I believe is what the 1921 Act is concerned with.

I welcome the fact that the Government have adopted and made their own a number of the amendments that I originally tabled. Article 9 of the convention guarantees the freedom of thought, conscience and religion and, most importantly, includes the right to manifest one's religion—a right that can be exercised in community with others, in public and within the circle of those who share the same faith. It includes the right to try to convince others, for example, through teaching. That point was made clear in the Kokkinakis *v.* Greece judgment in 1993.

The protection given by article 9 extends to acts that are linked with an individual's religious beliefs or attitudes, and protects aspects of the practice of the religion or belief—for example, acts of worship or devotion.

Article 14 of the convention provides that all convention rights and freedoms are to be enjoyed without discrimination on the grounds, inter alia, of religion. So even the convention contains a belt and braces provision.

The adjustments to clause 2 in the other place were unnecessary. If enacted, they would risk confusion over whether religion was to be elevated above all other fundamental rights, which would depart from the scheme of the convention and be out of line with international standards.

Government amendment No. 41 would ensure that such courts and tribunals must have regard to fundamental rights. There is no need for the amendment, which was moved successfully in another place by Lord Mackay of Drumadoon, because a Church, rather than merely individuals, is also capable of exercising the rights contained in article 9.

According to the decisions of the court in Strasbourg, the rights of a Church are inseparable from the rights of its members. Even as a respondent party to a challenge under the Bill, religious bodies would, in all likelihood, be entitled to rely on article 9. That goes some way to meeting the concerns of the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) about the Church as a public authority.

The Church of Scotland has claimed that the unamended Bill would disturb the constitutional settlement of 1921, but I do not believe that the spiritual courts of the Church of Scotland are public authorities. I am persuaded by the words of the Lord Advocate that, for the purpose of the Bill, they are not courts—their decisions could not be challenged using the convention rights. The constitutional position of the Church of Scotland, as I understand it, will be unaffected by the Bill, as the Bill has no authority in the spiritual matters on which the Church of Scotland's courts adjudicate. If he is successful in catching your eye, Sir Alan, my hon. and learned Friend the Member for Orkney and Shetland will want to look more closely and carefully at those issues, which are giving rise to continuing concern in Scotland.

A number of hon. Members, particularly Opposition Members, have spoken about marriage. Article 12 of the convention confers a right to marry, but it does not confer a right to marry in the Church of one's choice—or, for that matter, the temple, synagogue or mosque of one's choice. The conduct of a marriage ceremony by a priest or other religious person is, I believe, protected by article 9.

The fact that the link between the religious beliefs of a Church and its members is intimate and recognisable was upheld in the court in the case of Chappel *v.* United Kingdom. If, for example, a Church refused to marry a couple because one member of that couple was not a Christian, it would not have violated the couple's right to marry, as they would be entitled to a civil marriage. That applies to the traditional right to marriage between persons of the opposite biological sex, but it does not apply to same-sex couples. Even if Parliament were to

[Mr. Maclennan]

recognise unions of people of the same sex, the Churches would not have to recognise such unions, as that would infringe the collective rights of the Church under article 9.

It follows—if my reading of the cases is right—that nothing in the convention can be used to compel a person to conduct a marriage ceremony contrary to his religious beliefs, so I believe that the amendment tabled in another place by Lady Young was unnecessary—I am glad that that is now her view also.

Clause 7(9) and (10) deals with employment rights. No one can use the convention to claim a right to work for a particular religious or other body. In so far as those bodies are carrying out public functions—and are therefore public authorities—they would be in same position as the civil service, and no one has a right to a job with the civil service under the convention. The relevant case is Glasenapp and Kosiek *v.* Germany, which was decided in 1986. Consequently, no one could claim the right to work for a charity or a particular religious body, such as a Church or Church association.

The Lord Chancellor stressed in debates in the other place that there is no right of employment under the convention, so a Church or a charity could not infringe the convention by refusing to employ someone. In cases where a requirement of the job in some way limits the ability or right of the individual to exercise his religion or belief, his right to freedom of belief under article 9 is protected by his ability to leave his job—a number of cases have been decided in that way. The Government amendments to the School Standards and Framework Bill in another place have satisfied even the most fearful among us on that point.

The Government have bent over backwards to meet the concerns, and I think that they have done so successfully in respect of the Church of England, the Roman Catholic Church, the Free Church and the Methodists, although a debate remains in relation to Scotland. We shall listen with great interest to what the Secretary of State for Scotland has to say on the matter, and decide whether it is necessary to return to that issue on Report.

Mr. Leigh: My new clause 12 and amendment No. 117 are designed to address the problems created for religious bodies by the legislation. The religious bodies with which I have had discussions are not seeking any new rights: they want merely to preserve their traditional religious freedoms. They do not want interference from secular courts and they are fearful that, unless the Bill is amended as I propose, those freedoms will be eroded. The Government will claim that that is a mistaken perception, but it is strongly held, and I know that the Government and the Home Secretary take such worries extremely seriously.

One's personal views on whether it is wise to incorporate the convention are irrelevant to this debate. Serious problems are caused by the ways in which the convention is incorporated into United Kingdom law by the Bill.

Following huge pressure from the Churches and a huge amount of interest in the religious press, the Home Secretary tabled new clause 9. My legal advice is that, despite his best efforts—and I know that he is sincere in his desire to protect the Churches—the new clause does not go far enough, and that is why I tabled amendment No. 117 and new clause 12. I hope to tease out of the Government a response to these points.

Amendment No. 117 would require a court, in any conflict of rights, to give primacy to the article 9 right to religious freedom. New clause 12 is designed to correct new clause 9's failure adequately to protect religious charities. This relatively new area of concern has not hitherto received adequate attention, and must now be addressed.

I believe that the Home Secretary has acted wisely and correctly to protect the employment policies of Church schools, and I give him credit for that, but the Government need to listen to the genuine concerns about religious charities and, even if they reject amendment No. 117 and new clause 12, they should at least give cogent reasons and promise to bring in similar provisions in a future employment or charities Bill.

What are the problems created by the Bill? Let us consider the important matter of what the convention was intended to do. It was intended to bind Governments. It was designed to address the human rights records of Governments during the second world war, because Governments have the power to coerce. The convention's framers, after the second world war, did not in their wildest dreams imagine that it would or could ever be used against Churches. In the difficult days after the second world war, the framers of the convention would never have wanted it to be used to sue a local parish church, a Church school or a religious charity. That is the danger that we face.

Religious bodies are in a uniquely vulnerable position because they get involved in services to the community. In that sense, they are public bodies. They get involved in such services because of their faith, and they are compelled to carry them out in accordance with their faith; they have no latitude.

In incorporating the convention, I believe that the Government have gone wider and deeper than they ever needed to go: wider, because their definition of public authority in clause 6 includes bodies whose actions have never come to the European Court of Human Rights in Strasbourg; and deeper, because the UK courts would be involved in religious and social policy issues when they should not be involved in such issues. In fairness to Strasbourg—I wish to be fair to it; that is my reputation in the House—it has wisely tended to leave these matters alone. That is the answer to the intervention of the Secretary of State for Scotland on my right hon. Friend the shadow Home Secretary. Strasbourg has wisely left them alone because of the margin of appreciation. It rightly believes that such matters are best left to individual states.

9.30 pm

Most importantly, the Bill bites deeper than the convention, because it does not only incorporate the convention. The Secretary of State for Scotland did not reply to me; he thought that he was making a clever point against my right hon. Friend the shadow Home Secretary. The Secretary of State was making the point that the convention has been around for 20 or 30 years, but that there have been no cases on these matters. That argument would be true if the Bill only incorporated the convention, but the gravamen of our case is that this is a new Bill of

Rights, based on the convention. United Kingdom judges can, and I believe will, go much further than the convention.

Unlike with the judges in Strasbourg, no principle of the margin of appreciation operates in UK courts. The judges in Strasbourg are fairly conservative in matters of social policy and religious freedom, but their judgments will not be binding on UK courts under clause 2. UK judges will have only to take account of the conservative Strasbourg judges. That is the answer to the intervention by the Secretary of State and an important point that should be answered in the Minister's reply.

Mr. Grieve: I appreciate my hon. Friend's points, which are valid and form one of the problems facing the Committee in considering the matter, but does not the Home Secretary's new clause 9 introduce the precise parameters of the margin of appreciation that our national courts will be called on to consider?

Mr. Leigh: No. I am grateful to my hon. Friend for introducing that point in his wise and learned way. Judges will only have to "have regard" to these matters. Having regarded religious freedoms, they can for good reason overturn them. That is the simple answer. I shall return to that in more detail because it is the kernel of the debate.

Mr. Gareth Thomas: Amendment No. 117 requires the courts to give primacy to article 9 over the other articles. Is that its intention? If that is the case, does the hon. Gentleman accept that the vast majority of hon. Members would consider it extraordinarily bizarre to give primacy to article 9, on freedom of conscience, over such articles as article 2, on the right to life, and article 3, on the prohibition of torture? Surely the hon. Gentleman concedes that the Government's solution of giving due consideration to freedom of conscience and religion is by far the most sensible way forward.

Mr. Leigh: If the hon. Gentleman is dissatisfied with my new clause 12, he can always suggest a better one. New schedule 1, tabled by my right hon. Friend the shadow Home Secretary is very satisfactory. The point that we are making is that merely giving the powers to give due consideration to religious freedoms is not enough because, having considered them, judges can then overturn them.

I have not had the benefit of the advice of parliamentary draftsmen. I shall not be so arrogant as to pretend that my new clause has all the merits, but I hope that it focuses the attention of the Committee on the issue and the problem that the Home Secretary's amendment has not dealt with. That is all that an Opposition Member can do. It is vital.

The House of Lords, with all the learned opinion available to it, considered the issues carefully when Baroness Young tabled her amendment. The issues were extensively debated by Law Lords and others, and those who have practical experience in the Churches. Those amendments, agreed to by a cross-party coalition in the other place, are now being overturned by the Government.

Mr. Brazier: It is surely irrelevant to raise, for example, the issue of torture in the context of the Churches. The answer is given by the early part of my hon. Friend's speech, in which he said that we had a clear, concrete and well-drafted solution to the problem of the schools, and that we were looking for something similar for the religious charities.

Mr. Leigh: My hon. Friend makes the point. If the Government are dissatisfied, as they are perfectly entitled to be, with our amendments and new clause, a simple solution is open to them. The amendment that I have tabled uses exactly the same words as the Government have used in their amendment, but simply extends them from schools to charities.

I was aware that interventions such as that made by the hon. Member for Clwyd, West (Mr. Thomas) would be made—that it would be said that we were not capable of drafting proper amendments, and all the rest of it. I therefore used the Government's very words. Of course, the amendment that I have tabled to extend to charities the rights given by the Government to schools will be dismissed in the wash of events at 10.30 pm or whenever we vote. I doubt that an adequate explanation will be given of why my amendment is defective. I do not think that it is defective; it is certainly not defective in its wording.

When the House of Lords accepted Lady Young's amendments, it gave an absolute defence, or a fairly strong defence, to those sued for acting according to their core beliefs. They were sensible amendments. I see no reason why the Government could not allow those amendments to stand, but they have decided not to.

What are the defects of the Home Secretary's amendment? Since November last year, the Churches have been arguing that their schools will be subject to litigation; religious charities have made the same point. The Lord Chancellor initially, with his customary tact and political feel, was arrogantly dismissive of the concerns of the Churches. Of course, the far more astute Home Secretary has realised, perhaps rather late in the day, that it is not wise for any Government to take on the cardinal archbishop and the Archbishop of Canterbury when they decide to act in collusion. I give credit to him for that. He has tabled new clause 9, which contains the phrase "particular regard".

May I share with the Committee existing case law, which holds that the obligation to "have regard" is a weak one? It does not mean that the court has to comply with or give precedence to the matter to which they have regard. To have "particular regard" is no doubt stronger, but it still means that that regard can be overturned by the judge.

No doubt it would help the court to have its attention drawn to the importance of the right to freedom of religion. I do not deny that the Home Secretary's amendment would ensure that judges had to pay attention to the right to religious freedom, but it would be an easy matter for a judge—*[Interruption.]* I hope that that clap of thunder does not mean that my words are displeasing the Almighty. It would be easy for a judge—I assure the Committee that judges do it all the time—to assert in his summing up of the case that he had had "particular regard" to that right and so obeyed the provisions of the Home Secretary's new clause 9, but that he had, for good reasons known only to him and on which we could not speculate, decided to override that right. In doing so, he would have done all that the new clause requires, therefore it provides no defence at all.

[Mr. Leigh]

Given all that, it is obvious that some primacy—I say this to the hon. Member for Clwyd, West—must be given to religious liberties, and that is the purpose of my amendment. It would not only call the attention of the court to the importance of the freedom of religion, but require it to give that freedom primacy as far as it is possible to do so. Only an amendment such as that would begin to protect religious freedom, which is a freedom that Parliament does and should care more deeply about than any other.

It has been suggested that I am scaremongering and that none of what I describe will happen, but I do not share that belief. There are determined anti-religious groups and individuals with an axe to grind who are well funded, and no one should underestimate just how well funded they are. I understand that, in initially ignoring these concerns, the Lord Chancellor had sterling support from such bodies as the National Secular Society, the British Humanist Association and the leader writers of the *Gay Times*.

If anybody thinks that I am scaremongering, look at what has happened in the United States, where the American Civil Liberties Union first succeeded in banning prayer from schools in 1963. More worryingly, when Congress changed its mind and voted to give schools in America the power to have prayers, the ACLU used legislation similar to this Bill to take Congress to the Supreme Court, which overturned the decision of Congress and banned—almost made a criminal offence of—praying in American state schools.

Mr. A. J. Beith (Berwick-upon-Tweed): The hon. Gentleman cites an example of the enforcement of a constitution that requires the separation of Church and state. Can he show me anything in the European convention that requires the separation of Church and state? If he can, it would cause considerable difficulty in Germany, Sweden and several other countries.

Mr. Leigh: I shall come to Germany, Austria and other countries in a moment. I may be open to correction by the right hon. Gentleman, who is far more learned and knowledgeable in matters European than I am, but the fact is that such a case has been brought in Holland, which is a member of the European Union and is subject to the European Court. The case has been quoted by my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) and by the hon. Member for Belfast, South (Rev. Martin Smyth).

I accept the point made by the right hon. Member for Berwick-upon-Tweed (Mr. Beith) and concede that our case is not on all fours with that of America, but that example shows how determined and well funded anti-religious groups are, and how they are capable of achieving their aims. I am a barrister, and I understand how determined litigants can be, and how ingenious lawyers can be in finding new ways in which to use the law.

If the Committee does not believe me, let me point out that the Churches, or large groups within the Churches, believe that, despite the Home Secretary's new clause, judges some time in the future will use the legislation to attack Churches. They believe that there will be a ratchet effect and that plaintiffs will be persistent. That will not happen tomorrow, but the Bill will last 30, 40 or 50 years, and the Churches fear that there will be a gradual ratchet effect in case law. Hon. Members may dismiss those fears as unfounded, but they would be unwise to do so.

Mr. Gardiner: I have listened carefully to the hon. Gentleman's argument that, in his view, the use of new clause 9 to force the courts to have "particular regard" to the importance of that right is not a sufficient safeguard against possible future excesses. If that is the case, will he explain why he has used the same formulation of words in his new clause 12?

9.45 pm

Mr. Leigh: The hon. Gentleman seems not to understand that I have tabled two amendments: amendment No. 117, which is designed to give primacy to religious freedom, and new clause 12—which replicates the wording used by the Government—which is designed to extend to religious charities the protection given to schools.

I shall now discuss article 9 of the European convention on human rights. According to the Home Secretary, it is supposed to provide great comfort to the Churches; I believe that he misunderstood the issue. I hesitate to say that, as he has been given so much advice, but he seemed to do so, judging by an intervention that he made on my right hon. Friend the Member for North-West Cambridgeshire.

In recent weeks, the Home Office has used the argument, with those who advised me and have advised Baroness Young in the other place, that the case law from Strasbourg offers much comfort to religious bodies. Only 45 cases have cited article 9, and only five have made it to the full court. If only five made it to the full court, that is not a huge amount of jurisprudence to place one's faith in. Few of those cases involved a collective use of the right by a body, and none involved a public authority claiming it as a defence.

I see the Secretary of State for Scotland consulting Home Office officials so he may be able to give us an answer on this point, in which case I should be interested to hear it. If the Home Office is now basing its defence on article 9, why has no case in Strasbourg involved a public body? It is the Government, not us, who have framed clause 6 so widely. I say to the Secretary of State for Scotland, who made the intervention earlier, that, if a religious body falls into the clause 6 definition of a public authority, there is no precedent whatever in Strasbourg for allowing it to use an article 9 defence.

The final nail in the argument that article 9 is enough is that the jurisprudence of Strasbourg is not even binding on United Kingdom courts, because clause 2 requires a court only to take it into account. Therefore, the Secretary of State, in attempting to allay the fears of the Committee, has stoked up those fears—with me, at least—

Mr. Dewar: That is an important qualification.

Mr. Leigh: And my hon. Friends. The Secretary of State can now intervene, if he wishes. If I have been talking rubbish, if the legal opinion given to me is wrong and if the point made by the Secretary of State for Scotland was as devastating as he obviously intended it to be, will he intervene on my speech and say that I am wrong?

Mr. Dewar: I hesitate, simply because we are taking so long and so many hon. Members wish to speak. The point that I was making, to which I hold firmly, is that no

one has explained to me why an immense new point of principle has arisen simply from a change of forum. I acknowledge that the hon. Gentleman tried to do so by saying that judges in the United Kingdom were dangerous radicals, whereas they were nice, embraceable old fuddy-duddy conservatives in Strasbourg, but that is not entirely convincing. If there has been a threat, that threat to the Churches' independence has been there since 1953, and it does not appear to have manifested itself. I again challenge him to explain the difference in principle, which has resulted from the Bill, that justifies the sudden change of pace and the sudden upsurge of fear.

Mr. Leigh: The answer is that no margin of appreciation will operate on UK judges in the same way that it operates on Strasbourg judges, who have deliberately avoided becoming involved in this area of controversy because they feel that they should leave it to the national courts. We are now using the convention. We are giving British judges the right to invoke other articles in the convention, to which my right hon. Friend the Member for North-West Cambridgeshire referred, and that is what the Churches fear. Therefore, there is a step change from the situation that we had before, about which the Committee should be concerned. The other place specifically protected the principal religious traditions.

Mr. Grieve: If there is no case law in England having direct bearing on the problems on which my hon. Friend touches, is that not in itself, if it comes to interpretation by an English court of the human rights legislation, one issue to which it will have regard in determining whether to interfere? Therefore, the margin of appreciation will still be there for the English court to apply.

Mr. Leigh: No, it will not be, because the margin of appreciation can, by its definition, be used only by an international court, not by a national court. A national court will not say to itself, "We believe that international courts are better placed to deal with these issues, so we shall not deal with them," because it is a national court. However, we are in danger of becoming involved in semantics. I hope that I have made my point. If my hon. Friend does not accept it, he can argue against it. The fact is that he is wrong in claiming that the margin of appreciation is, has, or will be used by the UK courts. It will not be.

The other place specifically protected the principal religious traditions using a phrase already evident and used in our education law. The Home Secretary dismissed it. He said that the principal religions could not be mentioned because that, he almost hinted, would be something new. It is not. We already talk about the principal religions in our existing education law. The other place gave the courts clear guidance as to which religions should be protected. The proliferation of new religions could result in a sun-worshipping sect being held to be on the same level as the Church of England. Even the most charitable view of sun-worshipping sects would not grant them such a status, but one human rights lawyer has already referred to the potential for the levelling down—his words, not mine—of religious rights.

The Government have argued that it is necessary to delete the amendments agreed to in the other place because they would cause the Bill to breach the convention by giving primacy to the rights of certain religions. That was a particular point made by the Home Secretary. It is true—the Home Secretary was right to allude to it to this extent—that the convention prohibits that, but if he is right, why does Austria still have a system of recognising religious communities? Only five religious communities are so recognised, including the Roman Catholic Church, the Lutheran Church and the Helvetic Confession—whatever that is. Those Churches receive state funding. A minority Church in Austria may feel left out, but there is no breach of article 9. As my right hon. Friend the shadow Home Secretary mentioned, Germany also gives privileged status to certain religions in its constitution.

That point made by the Home Secretary and relied on by him in his speech simply does not hold up. Lord Rawlinson of Ewell and another barrister, Paul Diamond, who run a legal opinion for the Christian Institute, have argued:

> "In our opinion it is incorrect to argue that granting a privilege to certain established religious groups is contrary to the Convention. The applicability of the inserted Defences to the principal faiths is an act that is 'objectively justifiable'."

In plain man's language, that means that giving special protection to the main religions is perfectly sensible under the convention. Other countries know that it is sensible to give priority protection to those religions that are well established and well respected in their own country, so why cannot we?

I come now to the point concerning charities. It has been said by several hon. Members that the Home Secretary's amendment will not adequately protect religious charities. The Home Secretary may say that religious charities will benefit from new clause 9, but that is not the case.

I am advised, as I said in an intervention—which the Home Secretary did not answer, but the Secretary of State for Scotland may do so later—that only organisations whose primary purpose is the advancement of religion will be classed as "religious organisations" for the purpose of the clause. Organisations that exist to provide charitable services, but which have a religious foundation will probably fall outside the clause. If the Home Secretary thinks that the intention behind the amendments is wise, but that their effect is perverse, which is what he seemed to suggest, it is open to him to amend future legislation. The omission of religious charities is a serious omission and could cause many problems in future.

Mr. Brazier: Even if, as my hon. Friend says, some religious charities may be excluded, adoption agencies, orphanages, children's homes and so on will be included in the definition of public organisations, because they carry out public functions. If Church schools require special treatment, how much more essential is it that those bodies, which have even more power over children in their most formative years, should enjoy the same special protection?

Mr. Leigh: That is an important point. It is difficult to imagine how such bodies would not be charities.

The model of incorporation that the Government have chosen is far reaching. In addition to designating a range of bodies to be public authorities, the Bill states in clause 3 that all legislation must be interpreted in line with the convention. Not only will religious bodies that get caught in the definition of "public authority" be hit, but all religious

[Mr. Leigh]

bodies will find that people who want to sue them will start putting a human rights spin on existing legislation to try to get what they want. That will become most apparent in employment law. Unfair dismissal cases will begin to take on a new gloss as a result of people pleading human rights in conjunction with the existing law.

Only last Friday, I visited St. Barnabas's hospice in my constituency. It is a religious foundation designed to care for people who are terminally ill. By its very nature as a religious foundation, it is opposed in principle to euthanasia. What would happen if a nurse employed by a hospice started to distribute pro-euthanasia leaflets? Would the hospice have the right to dismiss that nurse? The answer is that it would have the right to dismiss the nurse, but under the Bill, as amended by the Home Secretary, that nurse could sue the hospice. The Government and the Committee should be worried about that.

I shall give another example from my constituency. Members of the Plymouth Brethren came to see me in my surgery this week. The Plymouth Brethren are a fine organisation. I believe that they have lobbied many Members of Parliament, as they are worried about the Bill. By their very nature, they regularly exclude members. In a recent case, they excluded a member who then threatened to take them to court. Under existing law, he could not do so.

The Home Secretary will assure me that because, in that case, the Plymouth Brethren were not acting as employers or as a public body, there is no way in way in which the member who had been excluded and who wanted to pursue his Church in a court would be covered by the Bill. I am sure that the Scottish Secretary will want to reassure the Plymouth Brethren on that point. They have lobbied Members of Parliament throughout the country making that point. They are a serious body and need reassuring.

Mr. Tim Collins (Westmorland and Lonsdale): My hon. Friend is making a powerful case, which is shared and endorsed by people of many faiths in Cumbria and north Lancashire, as I know from personal experience. In the light of what he has said and his references to the cardinal archbishop and the Archbishop of Canterbury, will he comment on the remarks of the hon. Member for Hull, North (Mr. McNamara), who has just returned to his seat, that the issue has been got up by right-wing fundamentalists and does not matter much?

Mr. Leigh: I have great respect for the hon. Member for Hull, North (Mr. McNamara), but I do not think that his points are valid. I know that he spoke sincerely and that he would not accuse the mainstream Churches, such as the Church of England or the Catholic Church, who have serious concerns about the legislation, of being fundamentalist sects. His point regarding proposed new clause 9 simply does not add up for the reasons that I have given. Through no fault of his own, the hon. Gentleman has been absent from the Chamber, so I shall not dwell on that point.

There is no doubt that Church schools will be protected, and we give credit to the Home Secretary for that. However, he has not made the case that religious charities will receive similar protection, and he must do so. The only way in which to avoid the problems of litigation that challenges the core beliefs of religious groups as "public authorities" is to exempt them from that definition. That is what new schedule 1 would do.

It being Ten o'clock, THE CHAIRMAN *left the Chair to report progress and ask leave to sit again.*

Committee report progress.

Motion made, and Question put forthwith, pursuant to Standing Order No. 15 (Exempted business),

That, at this day's sitting, the Human Rights Bill [Lords] may be proceeded with, though opposed, until any hour.—[*Jane Kennedy.*]

Question agreed to.

Again considered in Committee.

Question again proposed, That the amendment be made.

Mr. Leigh: In conclusion, I believe that exemption as proposed by the shadow Home Secretary is the obvious course. However, it would not be enough because religious bodies—even if they were not public authorities—would suffer as a result of all laws being interpreted to comply with the convention under clause 3. The amendments agreed to in the other place that the Government are deleting would have provided a defence, and the Home Secretary's amendment will prove to be inadequate.

I close by reminding the Government that the sorts of cases that religious people fear will arise, because this Bill makes that possible. When those cases come up and Churches and religious charities suffer intimidation, indignity and the expense of litigation and of losing, I believe that they will remind the Government of the opportunity that was offered to them that they did not act on. To coin a phase, the Government have been weighed in the balance and found wanting.

Mr. Brooke: The Committee is in the debt of my hon. Friend the Member for Gainsborough (Mr. Leigh) for a comprehensive speech on this subject, which is the product of much reading and much learning.

I shall be brief. I speak in this debate as a member of the Church of England. My paternal great grandfather and one of his brothers were ordained into the Church of Ireland of which their father was likewise a minister. He wrote a history of the Church of Ireland. My great grandfather ended his life as a Unitarian minister. My maternal grandfather was a canon of the Church of Wales and his son, my uncle, was dean of an English abbey. One of his daughters served as a Protestant missionary, became a nun, advanced to being a mother superior and ended her life in a closed order. I come from eclectic ecclesiastical stock.

I cite my Church of England pedigree because I was a Treasury Minister when my noble Friend Lord Lawson of Blaby introduced concessions for charities and measures against loopholes in his 1986 Budget. At that time, we held a seminar in Lancaster house, which the charities attended. My predecessor in this constituency, John Smith—now Sir John Smith, CH—asked the first question of the Chancellor. He said that there had been an argument in the Church of England for 400 years about what its purpose was, and the Chancellor had now decided, through a clause in the Finance Bill, that that issue would be settled by an assistant secretary at Inland

Revenue. He said that he thought that that would bring much pleasurable discussion to a close. I therefore approach Government intrusion into Church matters with caution.

I pay tribute to the Home Secretary, but I must approach his revisions, to which my hon. Friend the Member for Gainsborough referred, with caution, too. As a result of the Government's stance in another place, there have been aspects if not of a deathbed repentance at least of a very late conversion on the part of the Government. One wonders whether the conversion was sufficiently early that proper thought could be given to the issue. I do not believe that the late Lord Butler of Saffron Walden would have approached the Education Act 1944 with the same recklessness.

I do have fears, as my hon. Friend the Member for Gainsborough alluded, about vexatious cases being brought against the Church of England. The hon. Member for Belfast, South (Rev. Martin Smyth) cited the extraordinary case of the Salvation Army in the Netherlands being sued by an atheistic Bible teacher. That is a case worthy of Mr. Justice Cocklecarrot in the pages of "Beachcomber". As I have said in an intervention, it was only settled in the Salvation Army's favour after a very expensive case. Resources were drained from the Salvation Army to fight it.

In exactly the same way, the Church of England is, very nicely, concerned about the amount of money that it has to spend on inquiries concerning church buildings which the Church of England genuinely loves. These inquiries arise from objections raised by English Heritage. So, too, I have fears about the amount of money and resources that will be drained from the Church of England by vexatious cases of which I am sure those who occupy the Treasury Bench would not approve.

All of that said, I am encouraged that the Government's heart is now beginning to be in the right place. I would give the Government a general but not universal benefit of the doubt, for they have responded to what has been said to them. It must be said that Labour Members have had universal faith in the Government. Labour Benches having been crowded during the capital punishment debate, they have been broadly empty during this debate. With the exception of the hon. Member for Hull, North (Mr. McNamara), Labour Members have been entirely silent during this debate.

I left the Chamber to consult the article in *The Daily Telegraph* of 19 May, which the Home Secretary quoted. He referred to various words of my noble Friend Baroness Young. I am conscious that, as with selective book reviews on dust covers, Ministers can be capable of selective quotations. I am glad that I left the Chamber to consult the article. I discovered that the Church of England spokesman's response to the Home Secretary's new clause closed cautiously as follows:

"The Church will monitor closely how the Bill works out in practice and will not hesitate to go back to the Government if the legislation proves to work unsatisfactorily."

I share that caution and I hope that the Government will give a guarantee that they would react swiftly if such fears proved correct.

Assuming the Government win tonight, I remain curious about what further ground the Government would give if the other place resists the House of Commons rejecting their amendment. I hope that the Government would then act in a way which showed that they recognise the sincerity of those of us in this Chamber, who in the best theological tradition continue to have doubts.

Mr. Wallace: I wish to address the issues raised by the Church of Scotland Act 1921. As my right hon. Friend the Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) said, the amendments that were inserted in another place were proposed by Lord MacKay of Drumadoon.

I declare an interest as an elder of the Church of Scotland and a member of the Kirk Session of St. Magnus cathedral in Kirkwall, which is potentially a court. One of the issues in the debate might be whether it is a court which could be affected by the Bill. On two occasions in the past five years, I have been a commissioner to the General Assembly of the Church of Scotland.

I do not wish to take the time of the Committee by going into the whole history of the Church of Scotland Act. Suffice it to say that it is an important Act in terms of the constitution of the Church. It was a settlement agreed between Parliament and the Church which guaranteed the Church separate and independent jurisdiction in matters spiritual and paved the way for the union of the Church of Scotland and the Free Church in 1929.

Matters spiritual have been determined subsequently by the courts in, I think, 1936 as including the Government in disciplinary matters. In more recent times, as in the case of Logan against the Presbytery of Dumbarton, issues have arisen causing the Church to invoke the Church of Scotland Act to combat a case that was brought against the Church by a minister who had been subject to the disciplinary procedures of the Presbytery of Dumbarton.

There has been much discussion between the Secretary of State and the former moderator, and between the Prime Minister and the former moderator when he visited London at St. Andrewstide last year. The Church appreciates the time and consideration that the Government have given these matters. However, the package that has been presented to the Committee tonight has been considered by the Church of Scotland, and it is still not satisfied.

In a letter to the Secretary of State, the principal clerk of the Church of Scotland, Dr. McDonald, says:

"we appreciate any movement at all on the Government's part in this matter. However, we feel that this amendment will fall far short of anything that would meet our concerns. In the first place it would mean that the Church itself was relying on its rights under the convention, whereas the present position is that we rely on the 1921 Act. Moreover the amendment requires only that a court 'must have particular regard to the importance of that right'. It then remains open, presumably, to the Court once it has had that 'particular regard' to determine the issue. There is no automatic provision, as under the 1921 Act that a determination that a matter is a spiritual one means that the court has no further jurisdiction."

Furthermore, the General Assembly of the Church of Scotland, meeting in Edinburgh this week, passed a deliverance on Saturday morning deeply regretting that

"Her Majesty's Government has, despite the representations of the Board, failed to agree to an amendment of the Human Rights Bill which would state explicitly that the position of the Church of Scotland in terms of the Church of Scotland Act, 1921, is not affected by the Bill."

It goes on:

"Accordingly, urge Her Majesty's Government either to give an assurance that the Human Rights Bill is entirely consistent with the provision of the 1921 Act or to amend the Bill to ensure that it will be so consistent."

[Mr. Wallace]

Will the Secretary of State for Scotland deal with the matter along those lines when he replies to this debate?

In a letter to the former moderator, the Secretary of State for Scotland made two points, the first of which was repeated earlier this evening by the Home Secretary. It was that one of the problems with the amendments made in another place to clause 6 is that, although it might bring some certainty to the Church of Scotland, it could bring uncertainty to the Church of England. As I said in an intervention to the Home Secretary, it is somewhat perverse to try to resolve uncertainty with the Church of England by re-creating uncertainty in the Church of Scotland. If a way could be found to create certainty for the Church of Scotland without creating unnecessary uncertainty for the Church of England, that would be a welcome development.

In a further passage in his letter to the former moderator, the Secretary of State for Scotland said:

"The civil courts have demonstrated their reluctance to involve themselves in the spiritual matters concerning doctrine, worship, government and discipline within the church, as defined in the Declaratory Articles recognised by the Church of Scotland Act 1921."

It is not so much reluctance, as whether the courts have jurisdiction. When the case of Logan, to which I referred, first came before the Court of Session for an interdict, the counsel who moved for the interdict did not draw to the attention of the presiding judge the provisions of the Church of Scotland Act 1921, and the interdict was granted. Within a matter of days, the case came back to court and the provisions of the 1921 Act were drawn to Lord Osborne's attention. He immediately withdrew the interdict and said that the provisions of the 1921 Act prevailed. There was no further consideration of the merits of the case before the court.

My right hon. Friend the Member for Caithness, Sutherland and Easter Ross said that he found compelling the argument put by the Lord Advocate in another place, that, because the courts of the Church of Scotland do not amount to public authorities, they would not fall within the scope of the Bill. However, it is fair to point out that, although the Lord Advocate said that he found it extremely difficult to conjure up circumstances in which the courts of the Church of Scotland could be public authorities, he said on 5 February in the other place that it was possible, in some circumstances, that those courts of the Church could be public authorities. The Church of Scotland wants that possibility to be addressed.

The Secretary of State for Scotland suggested that there had been no case in 30 years in which any such issue arose, and he may make the fair point that the Bill brings human rights legislation home and makes our domestic courts, rather than Strasbourg, the appropriate forum. That, too, has been the case with the Church of Scotland. The Bill's purpose is to achieve a more convenient forum in which litigants can take action. There may have been no such case because people thought that going to Strasbourg was outwith their financial reach. It cannot clearly be shown that that is a game, set and match argument, but the Secretary of State fairly asked what was the difference in principle.

That case is more difficult to answer, but, if nothing in principle has changed and given that successive Governments have in no way departed from—indeed, have acknowledged and supported—the settlement between Church and state arrived at in 1921, there should be no difficulty in the Secretary of State giving the assurance that the exclusive jurisdiction of the Church of Scotland in matters spiritual, under the 1921 Act, will be unaffected by the Bill. If it has been unaffected in the past 30 years, the point that he made must also mean that it will be unaffected by the Bill. I would welcome such an assurance.

The Church of Scotland is anxious not to be thought to be in any way ignoring human rights or the United Kingdom's obligations under the convention. Paradoxically, the Church of Scotland, perhaps before some other Churches, accepted that it would be subject to human rights legislation in its secular affairs. The Church of Scotland would be subject to the convention's provisions in relation to human rights issues arising from its provision of eventide homes and clinics for drug addicts.

Furthermore, the committee on Church and nation has today been debating a resolution—I am not sure whether it has been passed—marking the 50th anniversary of the universal declaration of human rights and welcoming the incorporation of the European convention on human rights into United Kingdom law. The General Assembly also had before it a motion stating:

"Instruct the Board of Practice and Procedure, in consultation with the Committee on Church and Nation, to consider whether, and if so how, the Church's commitment to the European Convention on Human Rights might be appropriately contained in an Act of Assembly, especially but not exclusively in relation to disciplinary and judicial procedures, and to report to the next General Assembly."

The Church of Scotland is saying that it has exclusive jurisdiction in matters spiritual and that it would not be for the House to direct it to amend its legislation if, for the sake of argument and in extreme circumstances, the European Court of Human Rights had found that there had been a breach in a procedure and practice of a court of the Church. The Church of Scotland claims exclusive jurisdiction, but it is willing to consider, where appropriate, how it might incorporate the provisions into its practices.

I have set out the position. I shall listen with interest to the Secretary of State. We may return to the matter, but it would be interesting to consider the position if he gave the assurance that nothing in principle will change and, therefore, nothing in principle that affects the exclusive jurisdiction of the 1921 Act will change.

Mr. Grieve: I am delighted to be able to participate in this debate, I hope reasonably briefly. I should at the outset declare an interest. I am a practising member of the Church of England, a churchwarden and a member of the London Diocesan Synod, so I have an interest in ensuring that freedom of religion is maintained. It is of great importance to me.

That said, I have listened carefully to the debate, particularly the comments of my hon. Friends, and my understanding—I am willing to be corrected—of the convention's workings does not lead me to share the somewhat apocalyptic vision of the Bill's consequences. That said, some of the matters that have been raised seem to be of considerable importance.

Trying to pull the curtain back from some of the arguments that have been advanced, we have to face the fact—the point has been made—that the convention is

quite old. Social conventions and mores have moved a long way since the convention was brought into being. Matters that at the time of the convention were adhered to and which most people would have considered commonplace—in particular, the way in which most Governments in western Europe conducted their government, which was on the basis of what were essentially Christian principles—have changed. As social mores have changed and been adjusted to, and changes in the law have resulted, so people who practise mainstream faiths have found themselves increasingly at variance with what is widely accepted in secular society as the norm.

I dare say that the reason why there is so much anxiety about incorporation is because it has focused minds on the extent to which some of the convention's articles and their interpretation, especially those that I suppose might nowadays be described as politically correct—those defending the rights of people who wish to have life styles that might be described as at variance with the faiths that the various religious denominations practise—have a ratchet effect of dragging people increasingly into a secular society and making them conform to it. Those fears are misplaced; the convention's workings have not suggested hitherto that that is a realistic fear.

There is a second reason why I do not think that that will happen. I do not share the view of my hon. Friend the Member for Gainsborough (Mr. Leigh) that the interpretation by the judiciary, whether it be north or south of the border, will be shackled by the absence of a margin of appreciation, and that it will not be able to interpret the way in which the convention is supposed to operate correctly. The convention is all about balances—for example, the balance between article 9 and article 13. Dozens of them can be looked at, but I do not see that that is a fundamental problem.

The Home Secretary's amendment appears to go a long way towards meeting the anxieties. I see the force behind the amendments that were tabled in the other place, but one or two, especially those in relation to article 2, seem to go dangerously close to providing definitions about mainstream religion which cause me some anxiety and seem not to conform with what the convention is all about. Therefore, I accept that this is a difficult area, and I shall listen with great care to what the Secretary of State for Scotland says about the matter.

There are two fundamental issues. First, as I said on Second Reading, I have never considered the Bill to be writ in stone. If it is found not to work correctly because it appears to have a discriminatory bias against organised religion, we shall have to produce amendments to make it work. I should like an assurance that that will be kept under constant review.

Mr. Lock: I appreciate the hon. Gentleman's concern about discriminatory effects, but does he accept that experience in other European countries is that a judiciary applying the margin of appreciation has not given rise to any real concerns about such effects?

Mr. Grieve: I agree entirely with the hon. Gentleman. I accept that we are moving into a new world, and I have listened carefully to the arguments and the apocalyptic visions of endless litigation and the erosion of the rights of religious organisations, which will be pilloried for their views. However, I did not find those arguments realistic, and I do not share the anxieties that have been expressed by some of my hon. Friends. However, the Government must consider some of the underlying anxieties.

Mr. John Hayes (South Holland and The Deepings): Will my hon. Friend give way?

Mr. Grieve: I shall give way—briefly, I trust, because I want to finish.

Mr. Hayes: I am not a churchwarden, just a humble churchgoer. Is my hon. Friend saying that we are to accept the changed norms that he says isolate Christians such as him and me rather than challenging them and fighting for what we believe in?

Mr. Grieve: The norms have been changed largely by Acts of Parliament that have nothing to do with the European convention on human rights. Legislation has been passed by Parliament under successive Governments of both major parties, changing the way in which society operates. That is a great challenge for those with religious beliefs, but it has little to do with the European convention and the way in which it is applied. In some ways, the incorporation of the European convention will provide greater protection than hitherto.

My second concern is the definition of public authority. I should like to hear more about that, because it remains a source of anxiety to me.

I am conscious that others may wish to speak, so I shall close my remarks on that note.

Mr. Brazier: I am grateful to my hon. Friend for leaving me two or three minutes to make two brief points—one technical and the other substantive.

My technical point is whether we are dealing with the European convention on human rights. In fact, we are dealing not with the convention but with the sharper instrument of a national statute. The fact that other countries that have embodied the convention into their law have chosen to take account of the concerns about the Churches that several Conservative Members have raised proves that our amendments are necessary. That is reinforced by the fact that the Government have wisely chosen to take those concerns on board for schools.

My hon. Friend the Member for Gainsborough (Mr. Leigh) and other Conservative Members have asked the Government to broaden the thinking that led them to make sensible amendments to the School Standards and Framework Bill to cover other religious charities.

Moving away from the technical argument, there is a substantial issue about the working of some charities. I should like to focus on children's charities, particularly adoption agencies and children's homes. Churches have traditionally run many such organisations. The Government have chosen to uphold the policy of Churches to appoint Christian teachers. Children's charities have more control over a child's life and future than even a school. An adoption agency will decide who a child's parents will be. A children's home has 24-hour control over a child. It is even more important that Churches should be allowed to continue to appoint Christians to posts in such organisations.

[Mr. Brazier]

I ask Ministers to ask themselves whether it is in anyone's interest to have a situation in which Churches could face litigation by people who, although they say that wish to work in those homes, have known and declared positions that are antithetical to the religious ethos of the organisations running the homes, which look after some of the most vulnerable children in the United Kingdom.

10.30 pm

Mr. Clappison: This has been a good debate, with worthy speeches by hon. Members on both sides of the Committee, conducted against a background of widespread and deeply felt concern among many Churches and religious organisations. However seriously hon. Members take the concerns—the Opposition take them seriously—and whatever one's views on them, it is important to do them justice and to seek to allay them in every possible way.

We have heard powerful speeches from Opposition Members. My hon. Friend the Member for Gainsborough (Mr. Leigh) made a well-considered speech, and a powerful plea on religious charities. His plea—which we hope will be heard—was echoed in an equally powerful, but necessarily shorter speech by my hon. Friend the Member for Canterbury (Mr. Brazier). He made the very same point on the need to protect charities.

We heard also from my right hon. Friend the Member for Cities of London and Westminster (Mr. Brooke), who, as he said, spoke from "eclectic ecclesiastical stock". He made some very important points, particularly on the danger of vexatious litigants. I think that that problem will come back to us time and again. His concerns echo the concerns of those in another place, who speak with spiritual authority. The concerns need to be borne very much in mind.

My hon. Friend the Member for Beaconsfield (Mr. Grieve) made some very interesting points on how social change is dealt with in the convention. Opposition Members agreed very strongly with him when he talked about the inadequacies of the definition of public authorities—which is a problem that will arise time after time in our debates on the Bill, and is particularly relevant in this debate on religion and Churches.

As the Home Secretary said in opening the debate on this group of amendments, when he spoke to the Churches, he felt that he was able to reassure them, and told them that they would be regarded as public authorities only when they were standing in the place of the state—which, I think, is the phrase he used.

Mr. Straw *indicated assent.*

Mr. Clappison: The Home Secretary will know that, for the purposes of the law, Churches stand in no special position as a public authority. In deciding in actions whether Churches are public authorities, the courts will consider them on the same basis as they apply to any other organisation that is said to be a public authority. The test that the courts will have to apply to a Church, as to any other organisation, is one of deciding whether any of its functions are functions of a public nature.

Ultimately, the Government have not been able to tell the Churches or other religious organisations any more than they have been able to tell any other type of organisation whether they are a public authority—which gives rise to real concerns. Ministers have told us that the matter will be left to the courts, who will decide whether functions are of a public nature and whether a Church or organisation is a public authority.

The matter has been examined by those who are far more learned in the law and experienced in the matter than I am. In the other place, the eminent Lord Donaldson—who is no stranger to high judicial office—recently considered the meaning of "a public authority". He said that he thought it was clear that, for example, local government, police, immigration officers, prisons, courts and tribunals would all be public authorities. He went on to consider other organisations, and thought that, for example, the BBC performed functions of a public nature, and that, if the BBC performed such functions, so did ITV and the radio companies.

Lord Donaldson went on to say that, in his analysis of public authorities, he could not say for sure that Safeway was not a public authority, as it performed some functions that were arguably of a public nature.

Mrs. May: I wonder whether my hon. Friend will comment on the possibility that private sector organisations that are undertaking functions under compulsory competitive tendering that were previously performed by public bodies could be covered under the definition?

Mr. Clappison: That is an important point, and it supports my argument. It is something that religious bodies will have to consider. I understand that, in another place, the Minister concerned admitted that the BBC was likely to be regarded as a public authority and, possibly, even Channel 4. I thought that the whole point of the BBC was that it was not a public body—it has a charter saying that it is not part of the state. No one could say that the BBC is standing in the place of the state, yet the Government say that it too could be a public authority.

I understand that even the noble Lord Chancellor has had difficulty with this question. As we all know now, he began by saying that the Press Complaints Commission was not a public authority, but had to change his mind after receiving learned opinion, and say that perhaps it was. That is the background of difficulties over the definition of public authorities which gives rise to so much concern among our Churches and religious organisations. They rightly look for protection against any actions that might be brought against them because they are regarded as public authorities.

We have to consider carefully the degree of protection that the Government are affording them. We appreciate that the Home Secretary has gone to some lengths on this, but the protection that he is offering through new clause 9 is conclusively weaker than the protection already available in the Bill and weaker than that offered in the proposed amendments.

As my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) said, it is the weakest form of protection that could be given—weaker than a complete defence, which is in the Bill at the moment, and weaker than a defence in specific cases. It certainly does not go as far as an exemption from being a public authority would go to afford a defence, merely asking the courts to have particular regard to the importance of freedom of religion, conscience and thought.

As my hon. Friend the Member for Gainsborough rightly said, the courts may look at the provision and say that they have had particular regard to it, but that they will still come down against the Church or religious organisation.

Mr. Ben Bradshaw (Exeter) *rose—*

Mr. Clappison: I will not give way, in view of the hour.

There is no guarantee that any of the possibilities or contingencies that my right hon. and hon. Friends have described as regards the Churches would not come to pass. If new clause 9 is added to the Bill, there is no guarantee that those things will be prevented from happening. *The Times* has stated:

"A Home Office source said the amendment would in general terms 'bolster religious freedom' but stop homosexual couples from being able to sue their vicar or church if they were refused a church wedding. The amendment would also deny divorcees the right to remarry in church."

No Minister can say at the Dispatch Box that the Bill would prevent that contingency, and it is the example that the Home Office chose.

I see the Home Secretary shaking his head, but that came from a Home Office source. Neither the Home Secretary nor any other hon. Member on the Government Front Bench can say at the Dispatch Box that the new clause would stop homosexual marriages or any of the other things that might come to pass. I emphasise that I choose that example because the Government themselves chose it.

My right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) asked whether, if it were decided that civil marriages should be allowed for such unions in the future, the convention rights would result in the Churches having to follow suit. That question was not answered, but it needs to be. So does the important point made by Liberal Democrat Members about the Church of Scotland.

The right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) and the hon. Member for Orkney and Shetland (Mr. Wallace) both mentioned that matter. The latter produced a letter from Dr. McDonald, who held high office in the Church of Scotland. He said that the Church was still not satisfied by what the Government were saying, particularly about the implications for the Church of Scotland Act 1921, which produced a separation between Church and state, and allowed the courts of the Church to govern its spiritual affairs. The Church was still concerned that that right would be taken away, and that it would be left to rely on convention rights.

We look for a considered reply from the Secretary of State for Scotland to those important points by the Church of Scotland. I have great respect for his debating skills, and I would not lightly cross swords with him, but his intervention on my right hon. Friend the Member for North–West Cambridgeshire fell below his usual standard of canniness. He had a good answer for my hon. Friend the Member for Gainsborough, but, if he really thinks that the Bill will make no difference and that the position will be the same as it has been since we signed up to the convention, what on earth are the Government doing?

What was the Prime Minister doing when he said at Question Time that he would try to address our concerns? What has the Home Secretary been doing in meeting religious leaders to try to allay their concerns and in tabling amendments? If the Bill was never going to change anything, was not all that activity totally unjustified? The Secretary of State seems to have come to the Chamber to urge the Committee to support an amendment that he has suggested is completely unnecessary.

I leave the Secretary of State to that task, but we believe that some important points need answering. Opposition Members have expressed significant concerns—we are concerned about this country's traditional religious freedoms, and we want to give our Churches and religious organisations a high standard of protection. We expect the Secretary of State to do justice to those important matters.

Mr. Dewar: I certainly accept that there are strong feelings on these issues, which have been well illustrated in some lengthy but sincere speeches over the past four or five hours.

I find myself in a slightly difficult situation—those words usually drip with hypocrisy—as I seem to be expected to reply to all the points that have been made. In fact, I arrived in the Chamber with a rather narrow remit—to deal with those matters that relate to the Church of Scotland. If I do not get through everything in the comparatively short time that I have, I hope that hon. Members will forgive me—no doubt they can take matters up with my right hon. Friend the Home Secretary on other occasions.

Some of the points that have been made have been excitable—that sounds uncharitable, but I do not mean it to be. Some hon. Members have convinced themselves that there will be a total sea change in the way in which we conduct our affairs, and that life will be made extremely difficult for the Churches.

A number of cases have been thrown at us. I do not pretend to know much about the Dutch Salvation Army case and the refusal to employ a non-Christian kitchen worker, but I am advised that that case was fought entirely under Dutch domestic law, and had nothing to do with the European convention on human rights. In the event, the result of the case was right from the point of view of those hon. Members who mentioned it, but the important point is that the case was fought under Dutch domestic law.

Hon. Members have expressed concern about the use or sale of pornography on Church Commission premises—that may be a legitimate worry in specific circumstances, but the Bill will not prevent the Church Commissioners from terminating the licence of a news vendor who sold pornography from their premises. The contractual relationship between the Church Commissioners as a landlord and the news vendor as a tenant is a private matter; it would not be subject to the Bill's public authority provisions.

I make that prosaic point deliberately, as great theories of what is likely to happen have been erected, and I do not think that they are entirely justified—

Sir Brian Mawhinney *rose—*

Mr. Dewar: I shall not give way, as I do not want to get too involved at this point.

[Mr. Dewar]

As my right hon. Friend the Home Secretary demonstrated, the Government have tried hard to give reassurances—I am talking in general terms—about the Churches south of the border. We may think that fears are exaggerated or perhaps illusory, but that does not mean that sensible people will not try to find ways in which to give reassurances. The wording of new clause 9—the over-arching provision—is entirely sensible, as was accepted by a number of hon. Members.

The hon. Member for Beaconsfield (Mr. Grieve) is becoming almost an object of fascination to me. I sat through 10 days of consideration of the Scotland Bill, and he outlasted me on every one of them, but here he is back again, giving every sign of listening to the debate, which puts him in a small minority.

New clause 9 refers to

"the Convention right to freedom of thought, conscience and religion",

which, to put it informally, is a sort of shorthand, because it is certainly intended to include the right to manifest religion or belief in worship, teaching practice and observance. The language of article 9 is set out fully in schedule 1. I know that the hon. Member for Beaconsfield is basically on my side of the argument—I hope that that does not embarrass him—and that became clear in what he said. I hope that that is of some reassurance to him, as it is intended to be, more broadly, to others.

10.45 pm

I do not want to bandy quotations, as there are always dangers in that, but it is fair to say that Baroness Young, who led a spirited fight over these issues in another place, has accepted that our amendments and new clause are a final recognition by the Government that issues of importance were at risk. She said that the amendments

"will give assurance to people of all denominations that, should there be litigation under the Bill, the courts must pay particular regard to the position of churches and religious schools."

The Scottish situation demands some comment. I respond in particular to amendment No. 46, which would exempt the Church of Scotland Act 1921 from the principle of statutory interpretation in clause 3. It is a useful peg on which to hang a more general and important debate, but the amendment would not meet any of the points made by Opposition Members. I hope that it will not be pressed to a vote.

My right hon. Friend the Home Secretary has already made it clear that we must reverse the provisions inserted in clause 6 on Third Reading in another place, which would have exempted from the public authority provisions of the Bill courts or bodies exercising a jurisdiction recognised, but not created, by Parliament in spiritual matters, although I recognise that those provisions were aimed or intended in part to help with the Church of Scotland's worries.

I understand that Church's position. It is our national Church north of the border, and enjoys a unique status in the life of the Scottish nation, as well as having a place in the life of the United Kingdom. The Act of Union of 1707 safeguarded the Presbyterian religion of Scotland, and in the 19th century there was a cathartic struggle that led to the disruption of 1843 and a remarkable stand on principle over the impact of the Church Patronage Act 1874, when a third of ministers walked out from their stipends and their livings, taking their elders into what was a wilderness, until they were rescued by a remarkable upsurge of giving and energy from their new congregations. Those are great and remarkable events in Scottish history.

Harmonious relations were re-established with the Church of Scotland Act 1921, and a settlement emerged. I do not know how many hon. Members have read the annexe to that Act, but it is a superb piece of language, biblical in its power and worthy in every sense of the original King James version. I recommend it to anyone who wants to enjoy a powerful passage, written with feeling in every sense.

I have always taken an interest in these matters, and there is no way in which I would want to damage the harmony that has reigned between Church and state in Scotland and the happy co-operation that has taken place over the years. I am aware that the Church considers that the Bill represents a threat to that harmony, and I genuinely regret that. That was not intended, and if it continued it would be a sadness for us all.

I have had extensive conversations with the Rev. Sandy McDonald, the retiring moderator, with Dr. Finlay Macdonald, the clerk, and with the procurator, Mr. Dunlop, who brought powerful arguments to bear. The conversations were constructive, but I do not hide the fact that there is still a gap between us. The Church has a long memory in such matters, and politicians are often criticised for taking a short-term view. We want to listen carefully to the Church, and we have been listening carefully, though we are still separated in logic.

I was at the General Assembly of the Church of Scotland this week because our old colleague Norman Hogg, now Lord Hogg of Cumbernauld, was making his debut as the Lord High Commissioner. I was unashamedly proud to be in the gallery. My colleagues may be amused to hear that I was hurried out by the purse-bearer just as it was starting a debate on the Human Rights Bill. I therefore did not hear the debate that led to the deliverance and the deep regret about our position that resulted.

We are still in correspondence. The principal clerk to the assembly wrote to me on 18 May. Only now have we had the opportunity to consider the letter. Briefly, he argues that the Church of Scotland Act 1921 guaranteed the Church certainty of non-interference by the state in spiritual matters. It feels that new clause 9 does not do enough. Although it regards the new clause as an improvement and some reassurance, it does not believe that it closes the gap or does enough to guarantee freedom of thought, religion and conscience as we intend. I am sympathetic, but there are real difficulties from which I cannot retreat.

It is an odd situation, because I recognise that the Church's fears are genuine, but I also believe that they are unfounded. It is difficult to reconcile the situation to the satisfaction of both sides. As has been argued in another place by the Lord Advocate, I want to make it clear, as the hon. and learned Member for Orkney and Shetland (Mr. Wallace) said, that we find it hard to think of circumstances in which a Church of Scotland procedure involving acting as a court would be taken to be a public authority within the meaning of the Bill.

I do not say that lightly. We have considered the matter carefully, and used other legal advice on it. It is said that it is possible that it could happen. I am not an absolutist—possibilities are, I suppose, always possibilities—but we have tried genuinely hard to think of such a circumstance, and cannot come up with anything that justifies the fear that has been raised.

The right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) mentioned the case of Thomas Tyler, but that is not a helpful precedent. It dealt specifically with that unfortunate priest's alleged actions as an individual. As the Committee probably knows—actually, I suppose that it probably will not know, because I did not know until this document was given to me, and I have no reason to think that I was much behind the pace on this. It states:

"The Commission is not, however, required to decide whether the proceedings in the present case determined the applicant's civil rights within the meaning of Article 6 . . . of the Convention, as, even if they did, the application is in any event manifestly ill-founded".

It goes on at some length to explain the basis on which it came to that conclusion.

Sir Brian Mawhinney: I was one of the few closer to the pace, in that I knew the outcome. That was not the point of citing that example. The point is that someone whom the Home Secretary told us would almost always be acting in a private capacity was designated by the European Commission of Human Rights as primarily operating in a public capacity. That blurring of the distinction was at the heart of the Home Secretary's presentation. We should be grateful for the Secretary of State's views on that.

Mr. Dewar: I have neither the time nor the inclination to rehearse the facts of the case, but I understand that it turned greatly on the circumstances of this gentleman's private life, which became a matter of contention.

I mentioned the Tyler case because the commission considered the Court of Arches and the consistory court, and found that they were public authorities, but complied with article 6. Under the 1921 Act, the courts of the Church of Scotland would not, I believe, be held to be public authorities. That is the distinction, and the reason why I argue strongly that there is no significant risk that they would be held to be public authorities and therefore open to intervention in the civil courts under the European convention on human rights.

If one looks at the record—this is important, and it is of course a matter of interpretation, but I ask the House to take my side of the argument—one will see that, even in the Scottish domestic courts, there has been a great reluctance to intervene in these matters.

The right hon. Member for North-West Cambridgeshire asked me about Strasbourg decisions, and to quote examples. Unashamedly, I say to him that I cannot quote examples, because there have been none—certainly in Scotland, on which I can speak with a little more clarity.

The European convention on human rights has been available for use since 1953. I understand that it may be a little easier to get to the courts once the convention has been imported into the ambit of the domestic courts, but human rights cases are often contentious and difficult cases. The fact that, in the past 45 years, no one has gone to the European Court of Human Rights and tried to challenge my interpretation and understanding of the situation is of some significance—I put it no higher than that.

It is a little bit—I hope that no one thinks that it is undignified to say so—the case of the dog that did not bark, but, if we are going to have these problems, I think that we would have had at least a few yaps in those 45 years, and they have been conspicuous by their absence.

I know that I am repeating the point that I made in an intervention in the speech of the hon. Member for Gainsborough (Mr. Leigh), but I hold firmly to the point that the convention has been in being for more than 45 years. The fabric of our religious freedoms has not crumbled. The fact that we are now allowing the British courts—the Scottish and English courts respectively—to deal with the issues that come up under the convention of human rights represents no alteration of substance to the relationship between the Church and the courts.

I am not terribly impressed—although I understand it, and I do not want to be swept into an unsympathetic stance—with the idea that suddenly the floodgates will open, when no one can point me to any single change other than the forum in which the cases may be heard that will result from the Bill. It does not ring true.

I referred to the attitude of the Scottish domestic courts. They might be said to have a tendency to ca' canny on the matter. In considering ministers' relationship with the Church, the courts usually hold that they are not determining civil rights because the Church as a court is not a public authority.

I accept the point made by the hon. and learned Member for Orkney and Shetland, that the Logan case did not proceed beyond the interdict stage. I do not know why the counsel who appeared for the minister at the opening hearings did not draw attention to the 1921 Act, but, when he did, Lord Osborne sent the case packing in no uncertain terms, with some fairly robust obiter of one sort or another. That reinforces what seems to me to be the general situation. The picture is one in which the powers and the structure will continue, with the one change being the court to which one can go. The fears that have been expressed have not been realised in the past.

The jurisprudence to date, both domestic and in Strasbourg, indicates the extreme reluctance of the civil courts to become involved in any matters of religious worship, government, discipline or doctrine. It is my firm belief that that will continue. The measure is not based on whim: it is based on 45 years of experience in both jurisdictions.

I do not believe—*[Interruption.]* I shall finish shortly. I must say that the one thing that happens in government is that the Whips become very efficient.

I do not believe that there is a practical danger. I do not believe that the Scottish courts, given the 1921 Act, will be held to be public authorities. I do not want to hide from the House, but, if that does happen, there will of course be a difficulty. I do not believe that it will happen, and I am founding on that, but I have in honesty to say that, if they were held to be public authorities, it would be difficult to justify an exception for that public authority to pick it out from all the other public authorities. However, that is not an argument in which we need to be embroiled at the moment, because all the evidence so

[Mr. Dewar]

strongly holds together to suggest that the danger will not emerge. That point has been put by the Lord Advocate and looked at thoroughly, and I believe it to be valid.

We have made considerable efforts to find a way forward, but we have not been able to find a form of amendment that meets in full the concerns of the Church of Scotland while preserving the integrity of our policy as a Government, as set out in "Bringing Rights Home". I doubt whether further reflection at this late stage will change that. Of course, my right hon. Friend the Home Secretary and I are prepared to consider any further representations from the Church of Scotland. I am conscious that the letter quoted this evening arrived literally in the past 24 hours; obviously, it must be looked at with care.

11 pm

I do not want to slam doors shut, but I have set out what I believe to be a genuine difficulty, and I cannot envisage its being easily resolved. I have to agree that no law is set in stone. In another context, we have spoken much of parliamentary sovereignty and the sovereignty of the House of Commons, and, if the unexpected difficulties that I have suggested will not happen turn out to be very real, I hope that neither I nor my Government would be too proud to look again at the situation. However, I do not think it sensible to legislate on the basis of a situation that we genuinely believe does not exist and will not happen. On that basis, I ask that amendment No. 46 be withdrawn.

Question put, That the amendment be made:—

The Committee divided: Ayes 308, Noes 128.

Division No. 283] **[11.1 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Alexander, Douglas
Allan, Richard
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Baker, Norman
Ballard, Mrs Jackie
Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beith, Rt Hon A J
Benton, Joe
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Byers, Stephen
Cabom, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr John *(Copeland)*
Cunningham, Ms Roseanna *(Perth)*
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Denham, John
Dewar, Rt Hon Donald
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harris, Dr Evan
Healey, John
Heath, David *(Somerton & Frome)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Killoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Liddell, Mrs Helen
Linton, Martin
Livingstone, Ken
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonnell, John
McGuire, Mrs Anne
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNamara, Kevin
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin

Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Norris, Dan
Oaten, Mark
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Salmond, Alex
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sheerman, Barry
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Welsh, Andrew
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Kevin Hughes and
Mr. Robert Ainsworth.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Butterfill, John
Cash, William
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paterson, Owen
Prior, David
Randall, John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. John M. Taylor and
Mr. John Whittingdale.

Question accordingly agreed to.

Amendment made: No. 118, in clause 1, page 1, line 16, leave out 'section or Schedule 1' and insert 'Act'.—*[Mr. Mike O'Brien.]*

Question put, That the clause, as amended, stand part of the Bill:—

The Committee divided: Ayes 303, Noes 128.

Division No. 284] **[11.15 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Alexander, Douglas
Allan, Richard
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Baker, Norman
Ballard, Mrs Jackie
Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beith, Rt Hon A J
Benton, Joe
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*

Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell-Savours, Dale
Cann, Jamie
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr John *(Copeland)*
Cunningham, Ms Roseanna *(Perth)*
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Denham, John
Dewar, Rt Hon Donald
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harris, Dr Evan
Healey, John
Heath, David *(Somerton & Frome)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Liddell, Mrs Helen
Linton, Martin
Livingstone, Ken
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonnell, John
McGuire, Mrs Anne
Mackinlay, Andrew
Madennan, Rt Hon Robert
McNamara, Kevin
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Norris, Dan
Oaten, Mark
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
O'Neill, Martin
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Quinn, Lawrie
Rammell, Bill
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Salmond, Alex
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Welsh, Andrew
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Kevin Hughes and
Mr. Robert Ainsworth.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Butterfill, John
Cash, William
Chope, Christopher

Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith,
Rt Hon Sir Geoffrey
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paterson, Owen
Prior, David
Randall, John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Waller, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. John M. Taylor and
Mr. John Whittingdale.

Question accordingly agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

To report progress and ask leave to sit again.—*[Jane Kennedy.]*

Committee report progress; to sit again tomorrow.

NORTHERN IRELAND GRAND COMMITTEE

Ordered,

That—

(1) the matter of a regional strategic framework for Northern Ireland as set out in the discussion paper 'Shaping our Future', being a matter relating exclusively to Northern Ireland, be referred to the Northern Ireland Grand Committee for its consideration; and

(2) at the sitting on Thursday 4th June—

(i) after any statement which may be made by a Minister of the Crown pursuant to Standing Order No. 112(1) (Northern Ireland Grand Committee (ministerial statements)), the Committee shall consider the matter referred to it under paragraph (1) above; and

(ii) at the completion of these proceedings, a motion for the adjournment of the Committee may be made by a Minister of the Crown pursuant to Standing Order No. 116(5) (Northern Ireland Grand Committee (sittings)).—*[Jane Kennedy.]*

Church Bells

Motion made, and Question proposed, That this House do now adjourn.—*[Jane Kennedy.]*

11.27 pm

Mr. Michael Fabricant (Lichfield): First, I should like to set the scene. High in the towers of many of England's beautiful parish churches, as well as our cathedrals, including Lichfield cathedral, which is over 800 years old, are some of the oldest and finest examples of English heritage. Their future now seems threatened by the very organisation that ought to be protecting them.

Hanging side by side, church bells cast up to 600 or 700 years ago are often found next to bells cast in the present century. Both are examples of a truly English craft now practised by only two bell foundries in our land. Week by week, many of our church bells are rung in the truly English fashion of change-ringing, which has been practised for almost 350 years now, and which has resulted in England being known throughout the world as "The Ringing Isle".

Church bells usually weigh several hundred pounds and frequently exceed a tonne. Such weights, revolving through 360 deg each time the rope is pulled by the ringer below, exert huge dynamic forces upon their supporting structures: the bell frames. Those forces are transmitted to the fabric of the church tower. A strong, firm and stable bell frame is obviously essential if bells are to be rung correctly, safely and without risk to tower or the bell ringers below.

Traditionally, bell frames were constructed from timber, often locally grown on the squire's estate and put together by the local carpenter. Sometimes, the frames were very robust and substantial, but often their design and construction left much to be desired and they would be replaced within a relatively short time. Down the years, as change-ringing became an accepted art in England, bell frame design evolved to give more substantial frames capable of holding larger numbers of bells, up to a maximum of 12. A well-constructed frame, carefully maintained, might have lasted 100 years or more before repairs or a replacement were needed.

During the 19th century, developments in engineering by the bell founders led to the introduction of cast-iron frames replacing the all-timber bell frame. Initially, the head and base of a bell frame would still be made of timber—usually oak—but by the end of the century, the head and side of a frame would be made of cast iron, bolted down on to a massive steel or cast-iron base grillage. In turn, the grillage was built into the tower walls, which gave added stability and often helped to strengthen an otherwise weak tower.

Modern bell frames follow the same design, although in recent years, cost-saving economic considerations forced on England's churches have resulted in some bell frames being fabricated from steel sections. Although fairly successful and satisfactory for lighter rings of bells, in the short term, they do not have the proven longevity of their predecessors.

The approach of the third millennium has provided a focus for churches and bell ringers alike, who are addressing the problem of many aging and even derelict bell installations around the country. As the Minister will know, encouragement has been given by the awarding of a £3 million grant—on a partnership funding basis—by the Millennium Commission, using money from the national lottery, and a number of bell restoration projects have merited grants from the Heritage Lottery Fund, all of which has provided a valuable upturn in the long-established craft of bell founding and bell hanging.

The dream of our churches ringing out the new millennium is rapidly turning to dust in many cases. Many of those projects, including the restoration of the bells in Longdon parish church in my constituency, have foundered through the inept intervention of English Heritage. Bells that have been prevented from being rung in their intended manner because of bell frames that are of inherently weak design or which have reached the end of their useful life could well remain silent in the new millennium because English Heritage will not allow those useless structures to be replaced with a well-designed, modern bell frame built into the tower. Some towers are even threatened by such intervention. English Heritage's present policy appears to be conservation at all costs, regardless of the end result.

The problem affects churches not just in my constituency, but throughout the land. Today, I received an e-mail—it shows that we bell ringers are up to date with the latest technology—saying that the Central Council of Church Bell Ringers, which will meet on Monday 25 May, has a motion to discuss that very problem, caused by English Heritage. I am sure that the Minister is a regular reader of *The Ringing World* and, as such, will know that that is a constant theme, which is appearing in letters and editorials throughout the magazine.

Let us be clear. Often, the bell frames that are so beloved of English Heritage are now unsuitable for bell ringing. They are often dangerous or totally inaccessible, except to steeplejacks. If English Heritage is so concerned about the frames, why does it not allow them to be removed and put on display in the church or a local museum, where at least they could be seen?

In my constituency, there are several examples of schemes that have now been held up for unacceptable periods because English Heritage will not accept professional organisations' and advisers' recommendations. Instead, it insists that parishes should spend much larger sums to repair existing structures, which may preclude the addition of further bells now wanted by the churches.

In our cathedral church of the diocese, huge sums have been spent over the past 10 years on repairing the old bell frame. That expenditure is unlikely to prolong the frame's life for more than a handful of years, and has prevented the full peal of 10 bells from being rung for more than three years. A new bell frame would have been much cheaper at today's prices and would have taken a matter of a few weeks to install. Can the expenditure, either of hard-earned funds by a parish or of public funds from the national lottery and English Heritage, be justified?

Bell founders, bell hangers and bell ringers are aware of the need to preserve special examples of heritage, be they bells, bell frames or bell fittings, and would value the help and support of bodies such as English Heritage to preserve a selection of worthy examples. In recent years, there has been a growing trend towards preserving anything and everything, regardless of age. Even poor examples of bells cast by prolific 19th and 20th-century

founders have been subjected to preservation orders, contrary to the code of practice established between the trade and the Council for the Care of Churches.

Bells are the living voice of the Church in the community. They do far more than merely mark the time or announce that a service is shortly to start; they are musical instruments, whether hung individually or as a peal, and deserve to be treated as such, just as a church organ is. I live within 60 yards of the spire of Lichfield cathedral, and I welcome the sound of bells ringing through my open window on a spring Sunday morning.

Bells should be hung using the best principles of engineering, to ensure that they can be rung with precision and without risk of physical injury or damage, either to bell ringers or to the tower in which they hang. Why, then, should English Heritage be allowed to adopt policies which, in all but a few cases, compromise those essential precepts? Bells and bell frames are not historical artefacts to be treated like museum pieces. Is it not self-evident that bells are meant to be rung? [HON. MEMBERS: "Hear, hear."] I thank my hon. Friends.

Let me give an example. A major restoration scheme was carried out at Alstonefield church 10 years ago. The work had been planned for more than 20 years, and was made possible by a generous benefactor. Costs had risen greatly since the scheme was conceived, then more delays occurred, because English Heritage insisted that the old bell frame should be preserved. Costs escalated; then, even more cost was incurred, because English Heritage insisted that the original bell frame had to be secured in the upper part of the tower, while a new bell frame had to be installed lower in the tower. The bells could not be rung as well in the smaller area available. Eventually, the scheme was completed—without funding from English Heritage, which does not usually fund such work—and not one person has asked to look at the original bell frame.

Bell frames are not the only issue, however. English Heritage states that it has a presumption against the tuning of old bells. An intrinsic part of the bell founder's craft is the production of a rich-sounding, melodious and well-tuned bell or set of bells. When a peal comprises bells cast by different founders at different times, a marked improvement in the musical quality of the peal can be achieved by carefully monitored treatment by the tuning machine, to put the bells on to a proper musical scale. The bell founder's skills, coupled with modern technology, which earlier generations of founders were denied, enable that to be done relatively easily and without altering the characteristics of the bells, but making them much more pleasant and melodious. That is what it is all about.

Traditionally, a bell was melted down by the bell founder when it became cracked and toneless, and was recast as a sound bell. Today, English Heritage prefers many bells to be repaired by a welding process, which is not cheap, does little to enhance the musicality of a damaged bell, and denies the bell founder his craft.

In September 1997, the Open Churches Trust, with the active support of the right hon. Member for Birkenhead (Mr. Field), launched a scheme to encourage more bell-ringing recruits to come forward and to learn the art in time to man all the bells in the land at the millennium. The Millennium Commission has funded a special project to restore old bell installations and to provide some completely new ones, but if English Heritage is allowed to continue its present policy of preservation and procrastination, much of that work will be to no avail. It cannot see the wood for the trees. We are putting at risk the continued existence of bell ringing and bell founding, two of the oldest and finest examples of the heritage found only in England.

By all means, let us preserve the rare and very special examples of bell frames and bells in a manner that can be enjoyed by all people, but in all other cases, let common sense be coupled with prompt decisions—where indeed any decision is required—so that some of the finest parts of our English heritage may continue long into the following millennium. Let us ensure that the already costly work of restoring our bells and bell frames does not become even more costly on account of bureaucracy and procrastination on the part of English Heritage. Let us ensure that the unique art of English bell ringing and the craft of English bell founding have secure futures and that they are given every possible encouragement.

I call on the Minister to use his influence in two areas: first, to make English Heritage see sense, so that sensible decisions can be made promptly and fairly. As the Minister said when he recently came before the Select Committee on Culture, Media and Sport, of which I have the privilege to be a member, one of his strengths is the ability to bang heads together. I believed him. I hope that he will bang a few heads together following this debate.

Secondly, now that the delays caused by English Heritage have resulted in churches such as mine in Longdon and many others missing the millennium fund's application deadline, I call on the Minister to ensure that the Heritage Lottery Fund makes money available for the restoration of church bells in greater numbers than it does already, to compensate for the applications that have gone past the deadline because of the procrastination of English Heritage.

I urge the Minister and the House to give their fullest support to securing those very special parts of our English heritage.

Mr. Deputy Speaker (Mr. Michael J. Martin): I call Mr. Tony Banks.

11.41 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Tony Banks): Thank you, Mr. Deputy Speaker. You can call me Quasimodo if you wish.

There are times when one finds oneself at the Dispatch Box after everyone has departed feeling that one would more suitably wring necks than bells, but, even at this unlikely hour, it is more pleasing to talk about church bells than to have six bells kicked out of me over the sale of World cup tickets. I thank the hon. Member for Lichfield (Mr. Fabricant) for giving me notice of the main points that he wished to debate. It will enable me, I hope, to give him a constructive reply.

The hon. Gentleman is one of the characters of the House; I think that we can all, even at this late hour, agree on that. Certainly tonight, he managed to put the camp back into campanology. I assure him that the Government are firmly committed to the preservation of heritage in all its forms, including church bells, but there will always be conflict between preserving the best of our history and providing useful and practical facilities for today. We are

[Mr. Tony Banks]

confronted with the dilemma regularly, particularly, for example, in respect of sports stadiums, cinemas, leisure complexes and shopping centres. I am facing such a dilemma over the Milton Keynes shopping centre. I assure the hon. Gentleman that, by comparison, Solomon's judgment was a bit of a doddle.

The hon. Gentleman has highlighted a specific example that he is interested in, and revealed extensive knowledge. He always surprises us, and tonight, he has told me things that I never knew or guessed at. I will now go away and assiduously study *Bell Ringers News*, *The Ringing Times* or whatever it was that he flourished at me. He asks: do we try simply to retain ancient fabric, or do we provide the best facilities for today's bell ringers? I understand his point. Inevitably, some compromise will be required.

English Heritage's statutory remit is, in part, to preserve the element of our heritage that is most important in terms of architectural and historical significance. In practice, of course, that generally means buildings that are listed grade 1, grade 2 star or grade 2 in conservation areas. That includes a large number of ecclesiastical buildings. Over the past five years, English Heritage has offered £57 million in grants for church conservation works and a further £18 million for cathedrals.

Given its specific locus, English Heritage does not offer funding for the restoration of church bells. However, English Heritage and the Heritage Lottery Fund are now in the second year of a joint venture to fund heritage works in churches and other places of worship. The Heritage Lottery Fund's remit allows it to fund works to buildings and structures that are not of outstanding architectural or historic interest. That enables the joint scheme to encompass a wide scope of projects, including church bells. I understand that 70 applications have been advised on by English Heritage.

The scheme has been a huge success. English Heritage and the Heritage Lottery Fund jointly provided £20 million in 1997–98. A further £20 million is available for 1998–99. However, there have been 1,194 applications. If they were all granted, the total cost would be £186 million. The demand is clearly greater than the funds available. However, bell ringing associations now have a new stream of funding. There may have been some difficulties in adapting to the rigours of public accounting, but the new pool of money is a huge bonus for bells and ringers.

The new stream of funding has created some debate about priorities for church bells. Bell ringing associations consider their church bells to be musical instruments and are understandably concerned to ensure that any works take advantage of technical advances that can improve the tone of ringing and the ease of playing. The joint scheme focuses primarily on the preservation of the heritage and conservation of historic fabric, but in assessing applications from bell ringing associations, English Heritage is most concerned about how the proposed works make use of existing bells, their frames and beams.

English Heritage fully appreciates the views of the bell ringers, and is working hard to accommodate them in its overall remit to preserve the heritage. English Heritage could not recommend heritage funding for a scheme that removed existing bells and associated apparatus wholesale. Equally, English Heritage would not see it as a conservation success if the bell frame and other supports were retained at its insistence, but could not be used by the ringers. That would make no sense.

A great deal of time and energy has been committed to resolving the dilemma, in consultation with appropriate organisations such as the Council for the Care of Churches and the Central Council of Church Bell Ringers. I am sure that more practical compromises will emerge that allow for the retention of original fabric, while meeting the aspirations of the bell ringers.

The hon. Gentleman mentions the debate about repairing bells by welding cracks rather than recasting the entire bell. He seems strangely reluctant to encourage new technology in that case, although he is keen to use new technology for the bell frames. Welding cracked bells is a new technique that may need improvement, but it seems successful. English Heritage is not aware of any complaints about the results.

As the hon. Gentleman said, St. James the Great in Longdon did not receive funding from the joint scheme. That was because the proposed works incorporated too much new fabric to justify heritage funding. However, the decision did not impede the parish's ability to apply for millennium funding under the ringing in the millennium scheme. It was open to the parish to apply for funding from both streams simultaneously, as many other parishes did.

The hon. Gentleman mentioned an earlier case at Alstonefield. He has acknowledged the code of practice for conservation and repair of bells and bell frames, which is widely endorsed by relevant organisations in the professions. The code clearly states that unnecessary replacement or alteration of historic bells, including retuning, should be avoided, and that, where it becomes apparent that major replacement and alteration is inevitable, full consideration should be given to preservation of the bells and frame in situ. That is what happened at St. Peter's in Alstonefield.

There are many examples of English Heritage having negotiated an acceptable compromise, such as at St. Mary's at Pakenham in Suffolk, where it grant-aided the repair of a mediaeval frame to allow the existing five bells to be rung and enabled a sixth bell to be added to the ring on a separate small metal frame.

English Heritage has a wealth of expert knowledge and practical experience in the conservation of our heritage. The Government and English Heritage are keen to ensure that the very best of our heritage is preserved. Equally, of course, we must be alive to the fact that heritage is a living thing. To that end, English Heritage knows that a restoration project must both do its best to meet current needs and retain essential historic character. English Heritage's involvement in a project should therefore be viewed not as an unnecessary obstacle, but as assisting the overall preservation and promotion of our heritage for future generations to enjoy.

The hon. Gentleman put two specific points to me. On the first, English Heritage supports the code of practice, the first aim of which is to encourage the continuing use of bells to announce public worship. Sir Jocelyn Stevens has confirmed:

"We grant-aid historic frames if they can be made to work. If they cannot be made to work we allow new frames to be built, while conserving the historic frame where possible."

That seems to be a reasonable compromise.

On the hon. Gentleman's second point, concerning particularly his own church at Longdon, the Heritage Lottery Fund is continuing to commit money to churches, including bells. However, it is not in my gift to determine which projects it supports. The church at Longdon had five months from final refusal by the Heritage Lottery Fund to the Millennium Commission's deadline. Surely that should have been enough time.

The Millennium Commission is considering whether, with reference to the millennium money, it might be able to offer further support to umbrella projects that it has funded, such as ringing in the millennium. There may therefore be a further opportunity for parishes to apply for bell restoration. I wish the hon. Gentleman's church well in such a project, although, of course, no guarantee can be given here at the Dispatch Box on future applications.

My good lady wife—as they say—has been sitting in splendid isolation, listening to this debate. She has a great interest in it, and is here because she is herself a former bell ringer. I therefore take very close advice from her on those matters. I am sure that the hon. Gentleman has raised a subject that is vital both to him and to many people in the United Kingdom. I give him my assurance that I shall keep the matter under close review.

Question put and agreed to.

Adjourned accordingly at nine minutes to Twelve midnight.

House of Commons

Thursday 21 May 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

LLOYDS TSB BILL *[Lords] (By Order)*

Order for Third Reading read.

To be read the Third time on Thursday 4 June.

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Public Sector Borrowing Requirement

1. **Mr. Hugh Bayley** (City of York): What was the average central Government public sector borrowing requirement per household in the United Kingdom per year for *(a)* 1992 to 1997 and *(b)* 1997–98. [41672]

The Chief Secretary to the Treasury (Mr. Alistair Darling): Over the years 1992–93 to 1996–97, the previous Government's borrowing averaged £1,500 per household. In 1997–98, under this Government, borrowing has averaged just £50 per household.

Mr. Bayley: May I remind the Chief Secretary of the pledge card, which promised that a Labour Government would set tough rules for Government borrowing and spending, and congratulate the Treasury on a pledge well kept? Borrowing at £1,500 per household per year over five years goes way beyond that necessary for the financial cycle. Does he agree that such borrowing under the Conservatives was deferred taxation, so when they were in power we had not only higher taxes, but higher deferred taxation?

Mr. Darling: My hon. Friend is right. The previous Government made a catastrophic misjudgment in the late 1980s when they misread the economic signals, and the economic miracle about which they used to boast became an economic disaster only two years later. That is a reason why borrowing averaged £1,500 per household in the previous Parliament.

In contrast, as my hon. Friend said, we made it clear that we would run public finances prudently. We have reduced borrowing, which now averages about £50 per household and, at the same time, have been able to redirect resources, because of tight control of public spending, into our priority areas—education and health. He is right to draw attention to the promises that we made at the last election, and we shall deliver each and every one by the end of this Parliament.

Sir Sydney Chapman (Chipping Barnet): If in, say, two years, the right hon. Gentleman perchance found that revenue exceeded expenditure, which was the case in two successive years under the previous Conservative Government, would he use the surplus to increase public expenditure or to reduce the PSBR?

Mr. Darling: What matters is what happens over the economic cycle, as the hon. Gentleman should know. We have made it clear that we are conducting economic affairs in such a way as to achieve long-term economic stability—something which the previous Government were, unfortunately, never able to deliver.

Mr. Derek Foster (Bishop Auckland): May I congratulate my right hon. Friend on getting borrowing and spending under control? However, I invite him to look again at the PSBR regulations, especially to allow the Post Office to borrow to invest, to enhance its competitiveness. At the same time, he may consider Newcastle airport, which also longs to borrow to invest, to enhance its competitiveness in the northern region.

Mr. Darling: I am grateful to my right hon. Friend for his kind remarks. Although the Government always keep the PSBR under review—indeed, we consider it almost every day, for various reasons—people must bear in mind the fact that borrowing is still borrowing and has to be paid for, no matter how it is classified. There is no easy solution to the problems to which he refers. Borrowing has to be serviced, and the Government must have regard to public exposure to borrowing, whether it is directly under the control of the Government or incurred by bodies over which we have less direct control, but for which we are, none the less, responsible.

Mr. Malcolm Bruce (Gordon): Does not the improved borrowing over which the Chief Secretary has presided make it rather absurd for the Government to continue to maintain under-investment in public services, and does it not place them in the embarrassing position of not fulfilling their pledges and causing the situation to deteriorate? When the right hon. Gentleman completes the comprehensive spending review, will he accept that, to deal with the crisis in the public services, he will have to find money for the current year as well as for the three following years?

Mr. Darling: Yes, we are moving towards the conclusion of our spending review. The hon. Gentleman should review his policies on taxation and spending. I have noticed over the past week that he is in favour of as much spending as possible on just about everything that he can get round to naming, but against any measure of taxation to pay for that spending. A policy of tax and spend is a statable case, but a policy of spend and spend without any means to pay for it is incredible. That is why the hon. Gentleman's party has no credibility whatever on those matters. I remind him that, this year, because we have strictly controlled public spending, we are not only reducing borrowing, but have been able to make £2.5 billion available for education and more than

£2 billion available for the health service. Those amounts would not have been available but for the change of Government. I suggest to the hon. Gentleman, in the nicest possible way, that he reflects on his own policies rather than complaining about ours, which are doing what the country wants to get sustainable long-term stability and good public services that we can afford.

Working Families Tax Credit

2. **Dr. Phyllis Starkey** (Milton Keynes, South-West): What representations he has received on the working families tax credit. [41673]

The Chancellor of the Exchequer (Mr. Gordon Brown): The working families tax credit has been welcomed by a wide range of individuals and organisations. It guarantees every working family an income for full-time work of at least £180 a week. No family with earnings below £220 a week will pay income tax.

Dr. Starkey: May I pass on to my right hon. Friend the positive feedback that I have received from families in my constituency about the working families tax credit proposals? I should like to share with him the situation of a constituent. The lady's husband had been unemployed for some time and decided to try to improve his work prospects by going to university. She went back to work as soon as her son was born, and she and her husband were caught in such a poverty trap that the stress contributed to the breakdown of the marriage. She is currently £4.50 a week worse off in work than she would be if she were on benefit. As a result of the Budget proposals, and especially the working families tax credit, she would be £21.75 a week better off in work than on benefit. She certainly values the Government's measures to help people such as her who are trying to improve the lives of their families through their own efforts. *[Interruption.]* That is in marked contrast to her experience under the previous Government.

Mr. Brown: I am grateful to my hon. Friend. It is amazing that Opposition Members do not like hearing about people being better off as a result of changes to help working people. The working families tax credit reduces the number of people who are on the high marginal tax rate and eliminates the 100 per cent. plus marginal tax rate, which was so damaging to work incentives and created a poverty trap. At the same time, it will end the situation in which 500,000 people were receiving benefits and paying tax at the same time. That did nothing for the relief of poverty. The minimum wage that the Government will introduce, the child care tax credit, which will accompany the working families tax credit, and the reduction in national insurance will mean that many people such as my hon. Friend's constituent will be better off. That will be the result of the Budget and the Government's other measures.

Mr. Ian Bruce (South Dorset): The Chancellor speaks as though those tax changes are here now. Will he tell the House and the country when they are to be introduced? When is the child care tax credit to come in? The Secretary of State for Social Security has been out launching that yet again, and my constituents think they can claim it now.

Mr. Brown: The hon. Gentleman will be able to write to his constituents and tell them that the child care disregard is being improved this year and that the full child care tax credit will be introduced next year. Child benefit will rise next April, which is the time at which the minimum wage will be introduced. The combination of those measures will mean that people such as the constituent of my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) will be up to £20 a week better off.

Ms Patricia Hewitt (Leicester, West): Does my right hon. Friend accept that one of the barriers that many of my constituents face in trying to move into employment is the fear that an increase in in-work benefits will be cancelled out by a reduction in other benefits, particularly housing benefit? Will he ensure that the welcome introduction of the working families tax credit is accompanied by very close working between the Inland Revenue, the Benefits Agency, the Employment Service and local authorities, so that claimants get a seamless service that ensures that they really are better off as they move into work?

Mr. Brown: I am grateful to my hon. Friend. Systematically, this Government intend to remove every barrier that prevents people who want to work from getting the benefit and opportunity of work. That is why we have our welfare-to-work programme, why we have abolished—housing benefit is affected by this—the 100 per cent. plus marginal tax rate that many poor people face, and why, at the same time, we shall continue to examine, including in our review of public expenditure and housing benefit, every barrier that prevents people from getting the benefit of work. Our aim is to make people better off for working and to ensure that everyone who wants to work has a contribution to make and is rewarded for it.

Exchange Rate Policy

3. **Mr. Damian Green** (Ashford): What plans he has to stabilise the rate of sterling against the euro. [41674]

4. **Mr. Robert Syms** (Poole): If he will make a statement on his policy on the exchange rate. [41675]

7. **Mr. Nigel Waterson** (Eastbourne): If he will make a statement on his exchange rate policy following the launch of the euro. [41679]

The Chancellor of the Exchequer (Mr. Gordon Brown): The Government's aim is for a stable and competitive pound over the medium term. The best contribution that the Government can make is to create the right conditions for economic stability. The Government have put in place policies to deliver that objective and are determined to avoid a return to boom and bust.

Mr. Green: I am sure that the Chancellor will have seen an excellent document from the European

Commission, which makes it clear that those countries that do not join economic and monetary union on 1 January next year will have to fulfil various criteria to qualify. One of them is

"the observance of the normal fluctuation margins provided for by the Exchange Rate Mechanism . . . for at least two years, without devaluing against the currency of any other Member State".

When does the Chancellor plan for that two-year period to start for this country? Will it be in the lifetime of this Parliament?

Mr. Brown: If the hon. Gentleman is suggesting that we should rejoin the exchange rate mechanism, which his friends took us into in 1990, that is not the Government's intention—I make that absolutely clear. If he is suggesting that our policy should be for exchange rate stability, let me say that our aim is a stable and competitive pound over the medium term. That is the policy which we are pursuing and that is right for the British economic interest.

Mr. Syms: Given the recent economic report that 400,000 jobs may be lost in manufacturing over the next few years, the deterioration in the balance of payments, and the fact that, earlier this week, Nissan Europe said that it would not consider investing in Britain unless the value of sterling was between 10 and 20 per cent. lower, has not the Chancellor got the balance of his policies wrong, and is not new Labour bad for manufacturing, for exporters and for people with jobs in those industries?

Mr. Brown: The hon. Gentleman did not say that Nissan wants the Government to join the European currency, which is exactly the opposite of the policy of Conservative Members. He may have thought of his question when the pound was at DM3.10. Today, it is at DM2.86 and I remind the House that, when we came into power, it was at DM2.81. The rise in the pound over the past two years was almost entirely under the last Conservative Government.

Mr. Waterson: With a higher pound, higher interest rates and £20 billion worth of extra taxes, is the right hon. Gentleman at all surprised that manufacturing industry is in recession? Has he seen the Confederation of British Industry regional survey, which suggests that manufacturing output is falling in six regions and rising only in three?

Mr. Brown: The hon. Gentleman seems determined to avoid asking a question about Europe. It may be because the Conservative party is in such disarray on the matter after this week's speech by the Leader of the Opposition. The hon. Gentleman knows that, over the past few months, manufacturing employment has been rising, not falling, that the CBI, which he quotes, predicts that manufacturing output will rise this year and that that is in line with independent forecasts. He knows also that this Government's policy is to avoid a return to the situation that was created by the previous Government, when 1 million manufacturing jobs were lost as a result of the failure of economic policy and of the creation of stop-go and boom-bust in the late 1980s. We are determined to avoid a return to that situation and to have a sensible policy on Europe. That cannot be said of Conservative Members.

Mr. Robert Sheldon (Ashton-under-Lyne): Would not my right hon. Friend's task in managing the economy be made much easier if he were to announce his intention to join economic and monetary union—without setting a date? Would that not lead to a reduction in interest rates, a more competitive pound and greater investment—all achievable almost at a stroke?

Mr. Brown: The one thing on which my right hon. Friend and I agree is that we need clarity of policy—something which the Opposition do not have. Our policy is very clear. We are, in principle, in favour of the single currency; we shall apply the five economic tests that are in the country's interests; and we shall make a recommendation, if we believe it right to do so, early in the next Parliament, subject to a referendum. That policy was set out in October and widely welcomed by business, and we shall continue to follow it.

The country cannot understand how the Leader of the Opposition could announce a new policy against a single currency on Tuesday when he spoke in France, which the former Deputy Prime Minister has said is extreme and the former Chancellor has said makes the Conservatives unelectable.

Ms Sally Keeble (Northampton, North): Will my right hon. Friend confirm that one of the practical consequences of the start of the euro next year is likely to be that some smaller firms down the supply chain of multinationals that settle in euros will be required to bill in euros? Will he give assurances that the preparations that he and his colleagues have made, which have been so welcome compared to the previous Government's irresponsible approach, will continue, in order to ensure that all sectors of the economy, including the smaller firms, are fully prepared for the introduction of the euro?

Mr. Brown: I am grateful to my hon. Friend. We discussed exactly that issue with business at the meeting of the standing committee on preparations in the Treasury yesterday. The president of the Association of British Chambers of Commerce and the president of the CBI, as well as the secretary of the British Bankers Association, were represented at that meeting to put exactly my hon. Friend's views about the need to help small and medium businesses make proper preparations. I should have thought that it would be agreed across the Floor of the House that business should be prepared for the advent of the euro.

We have decided on a course of action that will provide information and an opportunity for businesses' questions to be answered. A campaign of information will begin in June. We are determined that every business, large, medium and small, is properly informed about the implications of the euro. We are determined to do what we can to ensure that banks and other financial organisations are in a position to help. Preparations have been behind because the previous Government refused to take the necessary steps.

Ms Claire Ward (Watford): Do not the Opposition have a cheek, showing concern about manufacturing industry jobs, given the number that were lost when they were in government? Is my right hon. Friend aware that, although we believe that there should be a sustainable and stable economy, manufacturing industry in my constituency is facing difficulties as a result of the high rate of sterling? One company, which conducts a large

amount of its work in exporting manufacturing components, is finding it particularly difficult to make ends meet. Will he assure companies in my constituency that undertake a great deal of exporting that we are considering the problems that they face, will be ensuring a stable economy and will be attempting to achieve some stability in sterling?

Mr. Brown: I agree with my hon. Friend that stability is what matters to industry. Creating a stable foundation and a platform of monetary and fiscal stability from which industry can build is an absolute pre-condition for this Government. That is why we made the Bank of England independent, have set a five-year deficit reduction plan and, for the first time, have a proper long-term fiscal and monetary framework. We are determined to avoid a return to the boom-bust, stop-go conditions of the late 1980s that lost 1 million manufacturing jobs. I should remind the House that, when the previous Conservative Government came to power, there were 7 million manufacturing jobs. When they left power, there were only 4 million. That is what they thought of manufacturing industry.

Mr. Peter Lilley (Hitchin and Harpenden): The right hon. Gentleman was an unqualified supporter of Britain's previous membership of the exchange rate mechanism. Can he explain to the House why he is now so opposed to Britain rejoining or shadowing the ERM?

Mr. Brown: The right hon. Gentleman has a cheek to blame membership of the exchange rate membership—[HON. MEMBERS: "Answer."] They do not like it. The previous Government took us into the exchange rate mechanism, chose the rate that became unsustainable and caused our exit from the ERM in 1992. As for our policy on exchange rate stability, we are committed to a stable and competitive pound over the medium term. We believe that the basis of achieving that is sound economic policies and the avoidance of a return to the stop-go policies of the past. We shall not join the exchange rate mechanism—we have no intention of doing so. We shall make the decisions that are right for Britain.

Mr. Lilley: The Chancellor should realise that, every time he goes off into auto-rant instead of answering the question, he alienates thousands of people who listen to these exchanges. We should still like to know why he is opposed to membership of the ERM or shadowing of it, whereas he was an unconditional supporter of the ERM. Does not that reluctance to rejoin the ERM sit rather oddly beside his enthusiasm for the euro? Is it not a bit like being unwilling to paddle in the shallow end but willing to throw the pound in the deep end?

Does the Chancellor realise that the words quoted by my hon. Friend the Member for Ashford (Mr. Green) were taken from the treaty of Maastricht? They are a clear obligation to rejoin the ERM. The Chancellor's own supporters recognise that obligation. Mr. Duisenberg says that we have to join; the Bundesbank says that we have to join; Commissioner de Silguy says that we have to join; and the Commission says that we have to join. Are they all wrong?

Mr. Brown: The right hon. Gentleman has reminded me not only that his Government took us into the ERM, and that he was Trade Secretary at the time—he was supposed to be reporting to the Cabinet on its effect on manufacturing industry—but that his Government signed the Maastricht treaty. As for lectures on European economic policy from Conservative Members, it would be better if they were to tell us their real position. The Leader of the Opposition made a statement on Tuesday, saying that he would never join the euro or economic and monetary union. The next minute, we had a statement from the former Deputy Prime Minister, saying that that was an extreme position. We were then told by the former Chancellor that the position makes the Conservative party unelectable. May we be told the true position of the Conservative party? Is it in favour of a single currency, or is it against it?

The Government will pursue a stable and competitive exchange rate. That is the policy which we established when we came into power, and that is the policy which we shall pursue. Italy and Finland were not members of the exchange rate mechanism for two years, but have been accepted for membership of the euro. As for the Government's policy: we shall not join the ERM. I have made it absolutely clear.

Mr. Lilley: The Chancellor has still not answered the question of why he is opposed to renewed membership or shadowing of the ERM. Has he no reasons for his own policy?

Mr. Brown: We are pursuing the policy that is right for Britain. The policy that is right for Britain is a stable and competitive exchange rate over the medium term. [HON. MEMBERS: "Oh!"] I do not know whether Conservative Members think that it is wrong to pursue a policy of a stable and competitive exchange rate, or whether they merely do not like such a policy being pursued—successfully—by a Labour Government. We shall succeed in the policy because we are determined to eliminate the stop-go policies and the instability that has caused so much damage in the past—the very instability that caused ERM membership under the Conservatives to be such a disaster for Britain.

Mr. Bill Rammell (Harlow): I hope that the Chancellor will acknowledge that a pattern is developing in the Conservative party's attacks on the single currency, all in an attempt to undermine the launch of the euro. The shadow President of the Board of Trade has been saying that the Government should go out of their way to destabilise the euro. The Leader of the Opposition has been comparing the creation of the single currency to the creation of a Bosnia-style situation throughout Europe. Is it not crucial, whether we are in or out, that the euro is launched successfully? That is in our economic self-interest. Does my right hon. Friend agree that the wholly exaggerated and unjustified attacks by the Conservative party could undermine to Britain's economic self-interest?

Mr. Brown: The first point that the Conservatives should explain is why their policy on the euro is disliked by almost all this country's major business leaders. Secondly, they should explain why even if the economic benefits of a single currency were proved to be clear and unambiguous, they would oppose it for ideological and doctrinal reasons. It is the Conservatives who must now explain, particularly after the remarks of the former

Deputy Prime Minister and the former Chancellor, their real policy on the euro and their economic policy for this country.

Balance of Payments

5. **Mr. Richard Spring** (West Suffolk): If he will make a statement on future trends in the balance of payments. [41676]

The Paymaster General (Mr. Geoffrey Robinson): The balance of payments is forecast to record a deficit of 0.75 per cent. over the next two years.

Mr. Spring: Will the hon. Gentleman confirm that we have just had the largest quarterly trade deficit for many years? Is not the turnaround in our current account in two years—a deterioration of £11 billion—a shocking indictment of the Government and their policies?

Mr. Robinson: The hon. Gentleman should be aware that a deficit of 0.75 per cent. of gross domestic product is, historically, a low level. We need no lectures from the Opposition on that level—under their mismanagement of the economy, it rose to 4 per cent. of GDP, which is five times higher than the level that we are forecasting.

Mr. Jim Cousins (Newcastle upon Tyne, Central): Are not the economic difficulties that our trading partners in Japan and south-east Asia experiencing bound to have an impact on the British balance of payments? If our reaction to that were to damage trade even further, and if similar actions were taken by our partners in the United States and Europe, would not the result be a downward spiral of economic activity that could affect the whole world, not least the economy of north-east England, which is so heavily dependent on the continuation of that trade?

Mr. Robinson: My hon. Friend is correct. What would most damage trade is the adoption of Opposition policies, particularly on economic and monetary union. Our policies are for long-term stability and steady growth. Manufacturing is forecast to grow—I point out to Conservative Members that these are the CBI's figures—from 1.3 to 2.5 per cent. and exports are forecast to grow from 3.5 to 4.5 per cent., which is healthy growth.

Tax and Mortgage Rate Changes

6. **Mr. David Ruffley** (Bury St. Edmunds): If he will estimate the financial impact on a family on average earnings of tax and mortgage rate changes since 1 May 1997. [41678]

The Chief Secretary to the Treasury (Mr. Alistair Darling): As a result of the Budgets in July last year and in March, a family with two children on median income of £17,500 will see an increase in their disposable income, excluding housing costs, of about £260 a year from October 1999.

The impact on any family's housing costs would depend not only on interest rates, but on their accommodation, on the size of their mortgage and on other factors.

Mr. Ruffley: When will the Chief Secretary stop fiddling those figures and accept the calculations independently arrived at by the House of Commons Library, which demonstrate that the average family is £1,000 a year worse off after the mortgage and tax rises under this Government?

Mr. Darling: The hon. Gentleman should face the fact that interest rates went up because of the previous Government's failure to take appropriate action when they knew that inflationary pressures were building in the economy. If he looks back over the 18 years of the Government that he supported, he will see that interest rates were in double figures for much of that time and mortgage rates were extremely high—far higher than under this Government.

We are determined to ensure stable economic conditions so that all families can have the long-term prosperity that they want. When the hon. Gentleman criticises us, he should reflect that, for much of the past 18 years, instability and high interest rates led to a record number of repossessions and we did not hear a single word of complaint from him then.

Mr. Barry Gardiner (Brent, North): Will my right hon. Friend comment on the EU proposals for the harmonisation of tax rates on income from savings, and the effect that they could have on families in this country, especially those paying lower rates of income tax?

Mr. Darling: I am aware that proposals have been published, but we have no intention of going down that road. For obvious reasons, we certainly would not do anything to disadvantage this country.

Mr. Michael Fallon (Sevenoaks): Does anybody seriously believe that the official family tax burden figures would have been suppressed if they had shown a fall since 1 May last year? Will the Chief Secretary confirm that the poorest households have been the hardest hit by the tax rises so far? Will he now guarantee that, by the next general election, the average family will face no higher a tax burden than they had on 1 May last year—yes or no?

Mr. Darling: The hon. Gentleman is certainly trying to wear new clothes in expressing concern about poor people. He was one of those who fervently espoused the poll tax, which must have hit poor people more than any other measure introduced by the previous Government. I remind him that, as a result of Budget measures introduced by my right hon. Friend, including the working families tax credit, every working family will be guaranteed an income of at least £180 a week, no family earning less than £220 a week—half average earnings—will pay net income tax, and child benefit is being increased from next year by a record amount. We also reduced VAT on fuel, which helped poor people, as it helped everyone else.

All the measures that the Government have introduced have been geared not only to increasing work opportunities, especially for those who are either unemployed or on low incomes, but to ensuring that families, especially those on lower incomes, are helped. Not only did the Conservative Government do nothing about that, but, during their entire period in office, they could not have cared less about the plight of poor people.

Charities

8. **Mr. Peter L. Pike** (Burnley): What changes he proposes to introduce in taxation policies in relation to charities. [41680]

The Financial Secretary to the Treasury (Dawn Primarolo): A review of charities taxation was announced in the July 1997 Budget. The contributions to the first phase of the review are currently being analysed and we expect to publish a consultation document in the next few weeks.

Mr. Pike: Does my hon. Friend accept that, at times, charities feel that they are raising money for taxation? The Government's response to the sale of the new version of "Candle in the Wind" and the Princess Di memorial fund showed that that they could respond positively. Does my hon. Friend agree that people want to see the money that they give to charity sales go to the charities and not to the Government?

Dawn Primarolo: As my hon. Friend knows, the Government's decision to donate the VAT paid on the purchase of "Candle in the Wind" to the Princess Diana memorial fund was a unique gesture. However, he should also be aware of how much the Government value the contribution that charities make to our society. More than 3,500 submissions have been made to the review discussing the future tax relationship between charities and the Government, and the Government will ensure that it is a positive relationship, which is recognised in the contributions made.

Mr. Peter Brooke (Cities of London and Westminster): What is the scale of concern in the Inland Revenue about loopholes in charities taxation?

Dawn Primarolo: The purpose of the review was to consider how to simplify the regime, and to provide a fairer and easier relationship between charities and the Government. It is considering both direct and indirect tax. VAT was of particular concern to charities, as were some of the reliefs on the borderline that cause problems and loopholes for others to exploit. Those are all very much part of the discussion, and will be included in the consultation document shortly to be published.

Single Currency

9. **Mr. John Bercow** (Buckingham): If he will make a statement on the constitutional issues raised by possible British entry to a European single currency. [41681]

The Economic Secretary to the Treasury (Mrs. Helen Liddell): Sharing a common monetary policy with other member states represents a pooling of economic sovereignty. so we accept that there are important constitutional considerations. That is why the Government are intent on holding a referendum before Britain joins the single currency.

As the Chancellor pointed out on 27 October last year, the constitutional issue is a factor in the decision, but not an overriding one—rather, it signifies that, for monetary union to be right for Britain, the economic benefits should be clear and unambiguous. If a single currency would be good for British jobs, business and future prosperity, it is right in principle to join. Given the comments of the Leader of the Opposition on Tuesday, it seems that, even if it were right for the British people for us to be part of a single currency, a future Conservative Government would not join it.

Mr. Bercow: Is the Economic Secretary aware of the statement made by the president of the Bundesbank, Hans Tietmeyer, that within a single currency

"it is an illusion to think that states can hold on to their autonomy over taxation policies"?

If that statement is vindicated by events, does the hon. Lady believe that the cession of sovereignty would represent a constitutional bar to Britain's joining such a currency—yes or no?

Mrs. Liddell: The hon. Gentleman—if I may borrow a phrase from the right hon. and learned Member for Rushcliffe (Mr. Clarke)—is getting rather excitable. Many people in different organisations make a variety of statements. Indeed, some Conservative Members have referred to other Conservative Members as dinosaurs who are out of date. The key element relating to fiscal policy is the principle in the treaty of co-ordination among national Governments, not the transfer of responsibilities to the centre. *[Interruption.]*

Madam Speaker: Order. Hon. Members should stop these parrot-like cries.

Mr. Tony McNulty (Harrow, East): Does my hon. Friend believe that Britain's preparations for economic and monetary union were helped or hindered by crass and irresponsible speeches that referred to public disorder and civic unrest, or does she agree with the right hon. Member for Henley (Mr. Heseltine) that, happily for Britain, such comments are speeches without audiences?

Mrs. Liddell: My hon. Friend make a valid point. It is notable that some Conservative Members have referred to the intemperate remarks made by the Leader of the Opposition. Ironically, the confident attack on the right hon. Member for Henley (Mr. Heseltine), as being unwilling to listen and hopelessly out of touch, came from a party which currently enjoys only 28 per cent. support in the opinion polls.

Mr. Eric Forth (Bromley and Chislehurst): I am sure that the House is grateful to the Economic Secretary for verifying the fact that there is, indeed, an important constitutional element to the question whether we should join the European single currency. Will she ensure that the Chancellor of the Exchequer includes that statement in any further comments that he may make on the matter, and that he does not continue to confine his criteria to economics?

Mrs. Liddell: Perhaps the right hon. Gentleman was off choosing a new tie on 27 October, when my right hon. Friend the Chancellor made it clear in his statement to the House that, although he recognised the constitutional issue, he did not regard it as an overriding objection to our joining a single currency.

Tax Rates

10. **Mr. Bob Blizzard** (Waveney): If he will assess the advantages of introducing lower taxation rates for those on lower incomes. [41682]

The Financial Secretary to the Treasury (Dawn Primarolo): The introduction of lower tax rates will make those on lower incomes better off. The working families tax credit, together with the introduction—when it is economically right—of the 10p tax rate, will help those on lower incomes by allowing them to keep more of what they earn.

Mr. Blizzard: Does my hon. Friend share my view that one of the most depressing features of our society is that some unemployed people with families want to work, but cannot afford to, because they would take home less than they receive on benefits? That is depressing not only for those people, but for the people who foot the benefits bill. Does she agree that the combination of the 10p tax rate, the new working families tax credit, changes to national insurance contributions and a national minimum wage will tackle the iniquitous poverty trap that was devised by the previous Government, and redress the situation whereby those on the lowest incomes pay a higher marginal rate of tax than those on the highest incomes?

Dawn Primarolo: My hon. Friend is right. To the list of excellent policies that he identified, I would add the increase in child benefit, which is particularly helpful to families. As he knows, we inherited from the previous Government a situation whereby more than 500,000 families paid tax to the Inland Revenue while receiving family credit. The Labour Government's policy of reforming tax and benefits, as part of our welfare reform programme, is designed to ensure that people keep more of what they earn, have the chance to be lifted out of the poverty trap and can participate in the world of work on a decent wage.

Miss Anne McIntosh (Vale of York): Is the Financial Secretary aware that she has the right to apply for a discretion under European law to levy reduced VAT rates on labour-intensive industries? That could be used to reduce VAT on repair and restoration work on churches and other historic buildings. Why has she decided not to apply for and exercise that discretion? Perhaps she can also explain why she does not sign her letters to parliamentary colleagues.

Dawn Primarolo: That is the first pro-European comment that we have heard from a Conservative Member, even if the assertion is incorrect. The Government are not pursuing the reduced rate on VAT, which was presented to Governments as an option to assist employment, because we believe that our welfare-to-work programme, the new deal, working families tax credit and the reforms that we are undertaking are the positive route to creating more jobs.

The hon. Lady does get her letters answered. Ministers give replies in exactly the way that Conservative Members did when they were in government. Perhaps she should concentrate a little more on dealing with those who are unemployed and welcome the Government's new deal, instead of making silly points on the Floor of the House.

Mr. Harry Barnes (North-East Derbyshire): To return to the original question, might not lower taxes for those on lower incomes be assisted by higher taxes for those on higher incomes, in extra national insurance contributions if not in income tax? That may be felt to be a problem because of electoral pledges on income tax, but it is possible for Governments to be persuaded to change their position in line with public opinion, and it might be time for a "can pay, want to pay" campaign.

Dawn Primarolo: We must have fair taxes, and the high marginal rates on those on lower incomes that we inherited from the previous Government need to be tackled, to ensure that people make a contribution to public services through their taxes on a fair basis.

Dr. Vincent Cable (Twickenham): Does the Financial Secretary accept that the combined effect of the tax changes of the past two Budgets has been to make the tax system as a whole more rather than less regressive? If she disputes that proposition, will she agree to publish promptly the Treasury statistical series, which has been discontinued, and which enabled us to see the combined effect of direct and indirect tax burdens?

Dawn Primarolo: I do not accept that proposition. The Government cut VAT on fuel, raised child benefit, introduced a windfall tax to help the unemployed and are introducing working families tax credit, with an element to assist child care. All those measures are helping precisely the households to which the question refers.

Capital Gains Tax

11. **Mr. Desmond Swayne** (New Forest, West): What representations he has received on the impact of his proposals for ending retirement relief from capital gains tax. [41683]

The Financial Secretary to the Treasury (Dawn Primarolo): Treasury Ministers have received 40 such representations, most of which ask for retirement relief to be retained or to be phased out over a longer period. Many business people have warmly welcomed the introduction of the new business assets taper relief, which takes over from retirement relief.

Mr. Swayne: Will the Financial Secretary confirm that the measure is regressive and amounts to a significant redistribution of income from the modestly-off to the wealthy, and that its effects are harshest on small business people who live above the shop and are approaching retirement—precisely the sort of people for whom Labour used to care? What will she do for those people, particularly in respect of the retrospective aspects of the tax?

Dawn Primarolo: I do not accept what the hon. Gentleman said. What a surprise! Taper relief is fairer. It will encourage long-term investment and reward entrepreneur investment. That is the Government's intention.

Mr. David Heathcoat-Amory (Wells): Will the Financial Secretary confirm what is in her Finance Bill—

that the capital gains tax system announced in the Budget is more generous to those selling very large business assets after 10 years, and less generous to entrepreneurs who sell their small businesses because of the loss of retirement relief? It is a fat cat charter in line with the Labour party's new priorities. It is in the Bill now, but will she confirm our suspicion that a U-turn is in prospect? As the Finance Bill unravels in Standing Committee, the capital gains tax system is being shown to be unworkable, impractical and perverse. Will she confirm that this generosity to fat cats at the expense of small entrepreneurs is wrong and will be reversed?

Dawn Primarolo: What is perverse is that Conservative Members welcomed the announcement of capital gains tax reform in the Budget and now seek to reinterpret their words. The reform encourages long-term investment and rewards entrepreneurs, something which the right hon. Gentleman's Government failed to do in office and which this Government intend to deliver.

Household Incomes (Statistics)

12. **Mr. Archy Kirkwood** (Roxburgh and Berwickshire): If he will review the quality of statistics relating to household incomes available in regions of low population density; and if he will make a statement. [41684]

The Economic Secretary to the Treasury (Mrs. Helen Liddell): The Government statistical service collects a wide range of statistics on household incomes, which are regularly kept under review.

Mr. Kirkwood: Will the Economic Secretary consider the difficulty of getting robust statistical data for constituencies such as mine in south-east Scotland? Sampling errors are significant in less populous areas. She follows these things carefully, so she will know that textiles, electronics and farming are all in decline in south-east Scotland. It is difficult to get a focus on what is happening because expenditure survey results are published only on a Scotland-wide basis. Some sub-regional statistics are susceptible to sampling errors. With the Office for National Statistics, will she consider doing finely targeted statistical surveys, even down to travel-to-work areas, so that policymakers trying to respond to the difficulties can be better informed?

Mrs. Liddell: I am grateful to the hon. Gentleman for that question. In recognition of the need for better statistical data to support the Scottish Parliament, plans have been announced for a new Scottish household survey. It will be designed to provide a range of information on households in Scotland, including information on their incomes. Over two years, it will give estimates for each local authority area in Scotland. That may meet his point.

Sir Michael Spicer (West Worcestershire): If there is to be a review of sparsity data, will the hon. Lady ensure that there is fairness between England and Scotland? Will she take into account the fact that on most items of public spending, almost twice as much is spent per capita in Scotland as in England?

Mrs. Liddell: The job of the Office for National Statistics is to ensure that valid statistics of high integrity are available for policymakers and others to reach decisions. As part of that, the ONS has recently published a Green Paper to ensure the integrity of the statistical service in response to our manifesto commitment during the general election. The hon. Gentleman may want to argue about the various levels of expenditure throughout the United Kingdom, but those levels are based on need.

Comprehensive Spending Review

13. **Mr. Andrew Robathan** (Blaby): What plans he has to ensure that there can be parliamentary scrutiny of his comprehensive spending review before the final results are published. [41685]

The Chief Secretary to the Treasury (Mr. Alistair Darling): The results of the comprehensive spending review will be announced to Parliament for scrutiny and examination in the normal way. It will be for the usual channels to discuss the way in which the House debates those proposals at some point after the initial statement.

Mr. Robathan: The hon. Member for North-East Derbyshire (Mr. Barnes) has suggested that pledges are not necessarily binding. Does the Chief Secretary recall his right hon. Friend the Chancellor making a pledge when in opposition that he had no spending plans that would require extra taxation? Yet since the election, there have been at least 17 tax rises based, presumably, on spending, so that is one broken pledge. After the comprehensive spending review is revealed, how many new tax rises will there be?

Mr. Darling: The hon. Gentleman will have to wait and see what the Government propose after their spending review. I remind him that, unlike the previous Government, every promise that we made at the election has been kept and will be delivered on by the end of this Parliament. That is something which the Opposition could never claim because they misled people on tax and just about everything else, which is why they are sitting on the Opposition Benches in such reduced numbers.

Mr. Christopher Leslie (Shipley): Will my right hon. Friend consider making Treasury economists available to the Opposition so that they can conduct their own comprehensive spending review? He may well have noticed that during the past month alone, amendments have been tabled to the Finance Bill and the Social Security Bill totalling more than £6 billion—a massive hole in public finances. Perhaps the Conservatives have been infected by the financial recklessness of their Liberal Democrat colleagues on the Opposition Benches.

Mr. Darling: I am not sure that it is just economic advice that the Conservative party is in need of. It is perfectly obvious that the Opposition—at least, the main Opposition party at present—are increasingly giving up any prospects for the future. Not only have they adopted a policy on Europe that many people, in particular business people, find absolutely incredible, but they have already demonstrated that they would be prepared to spend huge sums without giving us any indication about how they might finance that spending. Their antics and their policies are becoming more incredible by the day.

Mr. John Swinney (North Tayside): When the Chief Secretary contributes to the usual channels' discussion of

how the comprehensive spending review is to be considered by Parliament, will he support an initiative to give the departmental Select Committees the opportunity to look in detail at the Government's proposals, to ensure that any potential damage to existing public services from the review is aired in the full light of day before Parliament, through scrutiny in those Committees?

Mr. Darling: Select Committees are entirely independent of the Government, and it is up to them what they scrutinise and when. As always, the Government are happy to co-operate with anything that they want to do. I am not part of the usual channels, as the hon. Gentleman knows, but I am sure that his representative in that department will ensure that whatever the Committees want to do to ensure that our spending plans and policy proposals are properly scrutinised is taken on board. The Government are moving towards the concluding stages of the review and, because we are determined to deliver our manifesto promises, we are happy to justify those promises to anyone, inside or outside this House, whenever they want.

Pensioners' Fuel Bills

14. **Mr. Vernon Coaker** (Gedling): What representations he has received on his tax and benefit changes to reduce pensioners' fuel bills. [41687]

The Paymaster General (Mr. Geoffrey Robinson): My hon. Friend will be interested to know that we have received 1,000 representations on pensioners' winter fuel bills. He will be aware that there has been widespread acceptance and endorsement of the measures that we have taken on that matter, which include the abolition of the gas levy, the reduction in value added tax to 5 per cent. for energy-saving materials and the reductions in other areas. Taken together with the £20 and £50 announced by my right hon. Friend the Chancellor for winter fuel bills last winter, that means that pensioners will be better off on their winter fuel bills alone by between £100 and £130.

Mr. Coaker: I thank my hon. Friend for that answer and congratulate the Government on their measures so far to help pensioners with their fuel bills, in marked contrast to the policies of the previous Government. However, does he agree that it is important not only to help pensioners pay their bills, but to ensure that those bills are as small as possible in the first place? We need the Government to do as much as possible to keep those bills small through various measures. Will he join me in congratulating my authority, Gedling borough council, which recently launched a wide range of energy-saving initiatives to help pensioners in particular to stay in their own homes and keep their fuel bills low?

Mr. Robinson: My hon. Friend is absolutely right on both counts. I would add that local authorities throughout the country are taking up the opportunity offered by the reduction in VAT on energy-saving materials to do precisely what he said; I compliment Gedling local authority on doing so.

Mr. Nick Gibb (Bognor Regis and Littlehampton): What is the Government's latest estimate of the cost of the tens of thousands of £10 and £20 cheques sent out in error, which will not be refunded to the Treasury?

Mr. Robinson: The hon. Gentleman is trying to zero in on a narrow and irrelevant point—he should consider that there were 6 million communications, of which a small proportion fell into that category. Why does he not think of the 6 million pensioners who got the benefit, instead of trying to narrow in on a small and incidental administrative point?

Bank of England Reserve Requirements

15. **Mr. Nick St. Aubyn** (Guildford): What plans his Department has to extend the use of Bank of England reserve requirements as an instrument of monetary policy. [41688]

The Paymaster General (Mr. Geoffrey Robinson): None.

Mr. St. Aubyn: The rate of inflation last May was 2.5 per cent., which was exactly in line with the previous Government's target; the rate of inflation today is 4 per cent., which is 1.5 percentage points above this Government's target. Do Treasury Ministers accept that it is their failure of fiscal policy, in particular increasing taxes twice in one year, which has caused the increase in inflation? Will they, instead of asking the Bank of England to write to them explaining the failure of monetary policy, write a letter to the Bank to explain their deeply flawed judgment on fiscal policy?

Mr. Robinson: None of that arises from the question, but I am quite happy to reply to the hon. Gentleman. We need no lectures from the Conservative party, whose Government saw inflation rise to 21 per cent. in 1980. Inflation will come down as our long-term policies for stability and growth prove to be correct, and we avoid the boom-and-bust economic policies that the previous Government went in for. We go for long-term policies because there is no quick fix. For the hon. Gentleman's information, the Bank of England has expressly ruled out using the reserve ratios as an instrument of monetary policy; it did so last August, as recorded in the report of that date at paragraph 63.

ROYAL ASSENT

Madam Speaker: I have to notify the House, in accordance with the Royal Assent Act, 1967, that the Queen has signified Her Royal Assent to the following Acts:

Animal Health (Amendment) Act 1998
Social Security Act 1998
Magistrates' Courts (Procedure) Act 1998
Tax Credits (Initial Expenditure) Act 1998

Fairness at Work

3.31 pm

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): The Government have published today the White Paper "Fairness at Work", which is a further landmark in our drive to create both a more prosperous and a fairer Britain.

Let no one doubt that, in the modern world, those two ambitions go hand in hand. Companies and organisations that succeed in today's and tomorrow's world need to address and to anticipate the needs of their customers. To do so, they must draw out, and draw on, the native ingenuity, the innovative ability and the creativity of every one of their work force. The prosperity and opportunity of each are bound up with the prosperity and opportunity of all.

Some of the issues that we address in the White Paper relate simply to human dignity and enshrine simple individual rights. To assure them is simple justice, but it is also good hard economic and industrial sense.

Our industrial policy rests on the three pillars of strong markets, underpinned by our Competition Bill, modern companies, promoted by the White Paper, and building an enterprising nation, which requires those steps among others.

The White Paper is set in the context of action that the Government have already taken to create a fresh balance of rights and responsibilities at work, including signing the social chapter, bringing in, for the first time, a national minimum wage, implementing the working time directive, simplifying procedures for check-off and restoring trade union membership rights at GCHQ. Those were all necessary steps, but they are not sufficient to create a new and better balance in the fast-changing world of work.

The White Paper looks to the future, not the past. There will be no going back to the days of strikes without ballots, mass picketing and the closed shop. We are setting out to foster and support a new culture in the workplace—a culture of partnership. That culture is already evident in many of our most successful and modern companies, but the framework of our existing law all too often undermines or runs clean counter to it.

We expect and anticipate that many of the matters that we address, where differences of interest or of emphasis may genuinely arise, will be settled voluntarily and without recourse to the law, but, if required, the law must be able practically and sensibly to provide peaceful means to resolve disputes if they arise.

The proposals we make fall broadly into three areas: rights for the individual, collective rights and the development of policies that are family friendly. We also propose further consultation on many issues relevant to changing patterns of work. Those changing patterns can underpin flexibility and competitiveness, but they are undermined by a lack either of security or of confidence. So, in a world of far more frequent job changes, employees who have qualified for protection are reluctant to lose it by changing jobs.

Therefore, we propose, first, to reduce the qualifying time for protection against unfair dismissal from two years to one. We also propose to remove the limit on compensation for unfair dismissal, so that people who are unfairly dismissed can recover their full loss. That will end the anomaly whereby there is no limit on compensation for those unfairly dismissed on grounds of sex or race, but those dismissed for other reasons can at present be awarded only a maximum of £12,000. We also intend to index link other statutory employment awards and payments in future.

We propose, too, to consult business and others on whether—and, if so, what—changes are needed to the law on short-term and zero-hours contracts. Contract work can provide useful flexibility to both employers and employees, and the Government would not wish to lose that flexibility, but poor employment practices discredit such arrangements and deter people from taking advantage of the flexibilities offered by contract work in other organisations.

Secondly, we also need to establish a framework that promotes constructive dialogue between employers and employees. That will include implementing the European works council directive on consultation arrangements at work by the end of next year. In many cases, such dialogue is best established by collective arrangements, which are often the preferred option of both employers and employees. In other cases, more informal consultative arrangements can be suitable.

I shall not attempt in this short statement to detail all the changes we propose, but central to the White Paper is the promise in our manifesto to legislate to enable employees to have a trade union recognised by their employer where the majority of the work force want it. The Confederation of British Industry and the Trades Union Congress have worked together, and with the Government, to create as much common ground as possible on the practical issues surrounding such legislation.

The Government believe that mutually agreed arrangements for representation are the best way to proceed; but there are occasions when employees want to be represented by a trade union, but their employer will not agree. The Government believe that better and more effective relationships at work are fostered by having a clear procedure for the resolution of such disagreements, which is itself based on the starting point of voluntary agreement.

The Government propose that the law should require employers to recognise a union where the majority of those voting, and at least 40 per cent. of the eligible work force, are in favour of recognition. That will make it crystal clear that a vote for recognition enjoys genuine and widespread support among employees, and provides a sustainable basis for collective bargaining.

If there are issues on which the parties cannot agree, a restructured and reinforced Central Arbitration Committee will play a supervisory role—judging, for instance, whether the union has proposed a suitable bargaining unit, whether it has reasonable support within it, and whether a sufficient majority of employees support recognition.

When more than 50 per cent. of employees are union members, thus clearly demonstrating that they want to be represented by a union for collective bargaining, recognition will be automatic. There will be a similar procedure for derecognition, and the Government invite views on its operation. No new applications for recognition or derecognition will be considered until three years after a previous application.

The Government recognise that these arrangements may not suit the circumstances of small firms. The statutory procedures will not therefore apply to firms with 20 or fewer employees, although many small firms will no doubt recognise unions, as they do now.

Let me reiterate one vital point. The legal framework that we have proposed will come into play only when employers and employees cannot reach agreement on recognition; but, by ensuring that a clear procedure is in place and known from the outset of discussions, we believe that voluntary agreement is more likely to be achieved and industrial action to be avoided. Neither employers nor employees gain from the present arrangements, and the protracted disagreements that can occur only damage future relationships, whether a union is recognised or not.

The Government intend to take other collective measures—for instance, giving employees greater rights to complain of unfair dismissal if they are dismissed while on official strike, and a right for anyone to be accompanied by someone of their choice, who may be a trade union official, at grievance or disciplinary procedures.

Thirdly, we must recognise the special responsibilities of parents. We place great demands on them. Most need to work to give their children a secure life, but children need their parents' time, too, if family life and society are to be cohesive. The White Paper sets out policies that will enhance family life while making it easier for both men and women who work to avoid conflicts between their responsibilities at home and at work.

The Government will, for example, ensure that employees can take parental leave and reasonable time off for family emergencies, and will clarify the law on maternity rights, extending maternity leave to 18 weeks to match maternity pay, and provide new rights for adoptive parents. A number of those measures will flow from our implementing the European directive on parental rights, giving employees in Britain the same rights as their counterparts in the rest of Europe.

The White Paper sets out a broad agenda for legislative reform. The Government intend to proceed to implement these changes—in some cases after further consultation—at the earliest opportunity. The White Paper sets out the principles that the Government will follow in reforming employment law. It provides a comprehensive package of constructive change. It will take time to implement, and will undoubtedly require time and stability to settle into place. The Government regard the White Paper as a settlement for this full Parliament and do not propose further legislative changes in this area.

The White Paper will support the strong and evolving partnerships at work—partnerships that are needed to give British enterprise and the British economy a clear competitive edge. That edge comes from fulfilling the potential of our people and our country, and it is the only basis on which we can deliver prosperity and justice to all.

Mr. John Redwood (Wokingham): Once again, all the main measures in a Government White Paper were given to the press long before they were given to the House. Everyone knew what would be in the statement before the Secretary of State rose to her feet. I hope that she will explain how that happened, and why the press knew the detail—the exact detail—of what was in the White Paper.

The White Paper is a down payment on the bill the country will pay for trade union support of the Labour party. The unions gave more than £100 million to the Labour party during its Opposition years. Understandably, they now seek a return on their investment.

The right hon. Lady says that the White Paper is a final settlement for this Parliament, but the document makes it clear that even the crucial 40 per cent. threshold for ballots is subject to review. Will she tell us which of the following is true: will she give hope to Labour Members who do not think that the White Paper goes nearly far enough in helping the union cause, or will she tack back towards the Prime Minister and a little more towards industry by reassuring us that there will be no further significant changes after these measures have been put to the House?

I am sure that some Ministers will be grateful for the provisions on unfair dismissal. Many of them, facing dismissal in a few weeks—I am glad to see that one or two Ministers are laughing—will be pleased to find that they no longer have to serve two years before qualifying; there is some good news for them in the White Paper.

However, there is no good news in the measure for manufacturing industry. The last thing that manufacturing industry needs, as it grapples with the recession that this Government have created, is more costly regulation. The last thing that manufacturers need is more Government intervention to damage labour relations. The last thing that they need is the cost of a ballot on statutory recognition, half-charged to themselves.

The Institute of Directors commented today:

"The idea that we have a business-friendly Government is rapidly going sour."

Meanwhile, Mr. Morris of the Transport and General Workers Union has threatened:

"You cannot compromise on fundamental principles."

No amount of platitudes from the President of the Board of Trade can bridge that divide.

Why did the Government not let sleeping laws lie? Why have they not protected the fine inheritance of good labour relations—the best in western Europe—that we gave to them when we left office? It has taken Labour only one short year to set unions against business, and business against unions. The Government's very idea of partnership is phoney. They are not leaving the partners to come to voluntary agreements through free negotiation. They are forcing both sides to accept a deal that neither likes. That is not a partnership. It cannot bring peace and stability in the workplace.

The Opposition support freedom, choice and fairness for employees in the workplace. We will judge the detail of the proposals by their impact on good labour relations and the creation of more jobs. Our fear is that they will damage both.

Will the President of the Board of Trade tell us today what will be the total cost of these measures to business? How many jobs will be lost? Does she know that business organisations are already predicting job losses on the back of these measures and those of the Chancellor of the Exchequer? Why cannot more small firms be exempted from what will prove to be very onerous provisions?

The proposals begin a journey back to strife. They begin a journey back to the bad old days and back to the bad old ways. They will do further damage to

[Mr. John Redwood]

manufacturing, which is already damaged by high sterling and the recession that the Government have created. They demonstrate, if more demonstration were needed, that Labour is bad for business.

Mrs. Beckett: Not for the first time, I suppose that we could not expect the right hon. Gentleman to confuse himself or his colleagues with the facts. He demanded that I explain why there had been speculation in the press about some aspects of the package. No such speculation was in any way fostered or contributed to by myself or my right hon. and hon. Friends. The press will inevitably make guesses, but the right hon. Gentleman will recognise that there is much in the White Paper that the press did not foreshadow or get right. Indeed, if I recall correctly, the right hon. Gentleman himself demanded at the last DTI Question Time that I anticipate the White Paper by saying what was in it, so he does not have much right to complain about that.

The right hon. Gentleman asked me to give an assurance that when I say that the White Paper is the full settlement for this Parliament, that does not include the prospect of review. I made it plain in the statement, as the White Paper makes it plain, that it sets out clear principles, but we have also made clear our determination that legislation should be workable and practical. If it becomes apparent over time that elements of the legislation are impeding the resolution of disputes, the Government will be prepared to look again at those elements.

The right hon. Gentleman said that the Conservative party stands for freedom and choice, but it is clear from what he said that even if 100 per cent. of employees in a workplace wished to be represented by a trade union and to have that trade union recognised, he would not support them. I do not call that supporting freedom and choice.

The conflict that the right hon. Gentleman foreshadowed in such apocalyptic terms is all too plainly just what he and his colleagues would like to see. Of course, as in so many other things, they are out of date and out of touch. The new culture in the workplace is a culture of constructive partnership, because employees and employers recognise that their interests demand that they work together. The Government's goal is to make the best practice in the best companies normal practice throughout the economy. That is what the White Paper sets out to do.

Mr. Martin O'Neill (Ochil): I thank the President for her statement and congratulate her on introducing the 50 per cent. plus one automatic recognition rule. It will mean that a number of trade unionists across the country will immediately get the recognition to which they are entitled.

However, some of us are a little worried about 40 per cent. rules being applied anywhere. We have experience of that in Scotland, and we have had troubles as a consequence. We are heartened by the fact that the President has said that she is prepared to look at the operation of the 40 per cent. rule. Will she confirm when such a review will be put in place following the passage of legislation? Some hon. Members might be prepared to give a fair wind to the 40 per cent. rule on the basis that there would be a review at an early date. Will the President help us in that regard?

Mrs. Beckett: I thank my hon. Friend for his kind words. He asks me to look some distance into the future. We are today at the White Paper stage. The legislation is not yet before the House, but my hon. Friend asks me to suggest when the Government might be prepared to review and, if there are problems, change it.

The Government are determined to introduce a framework of law in case disputes require to be taken to law—we hope and believe that that will be a rare occurrence. My hon. Friend will see that the White Paper's procedures for enforcing recognition, if a majority want it, always take us back to the voluntary agreement. Voluntary agreements are the whole thrust of the White Paper. However, if it becomes apparent—after some time and experience—that there is an impediment in some of the proceedings in the White Paper, we shall re-examine the matter. I fear that I cannot give my hon. Friend a clearer idea of the time scale.

Mr. David Chidgey (Eastleigh): Liberal Democrat Members broadly welcome the President's proposals—particularly the fact that the emphasis is placed on looking forward rather than back to the past. She will know that the Liberal Democrats have long argued the case for treating the workplace as part of a stakeholder society.

Does the President agree that, in the context of developing her proposals for legislation, it is vital that all parties—the suppliers, manufacturers, customers, investors, employees and the local communities where the businesses are located—are persuaded to take ownership of the legislation?

I press the President a little further about individual rights, which are featured in her statement. Does she recognise the paramountcy of the individual in the proposals and their right to join or not to join a trade union? How will her proposals deal with the huge increase in the flexibility of labour, which is now a fact in our working society, with more and more workers finding that the key to their employability is their individual transportable intellectual skills? That is their property, which they take with them. How will her proposals marry those individual characteristics with modernising the traditional collective representation approach which has pervaded for so many years?

While I agree with the President that most claims for union recognition and collective representation are settled amicably—we should be pleased about that—does she agree that when recourse to law is required, that law must first establish a procedure that is not rigged or cumbersome, which, in itself, could only exacerbate a dispute?

Finally—*[Interruption.]* In response to the President's statement—which I think deserves a proper response—does she accept that, while we broadly welcome her proposals, which provide a platform for developing a package of measures that recognise the need for a more forward-looking approach to new partnerships with all stakeholders in the workplace, it is now important to discuss and scrutinise those proposals in order to develop legislation that actually works?

Mrs. Beckett: I shall pick up first the last point made by the hon. Gentleman. He is entirely right, and that is

absolutely the Government's wish. When he studies the White Paper at length, he will see that we refer throughout to our wish to consult and to take advice, especially on the specific detail of how the legislation will be implemented. It has long seemed to me that a major problem into which the Conservative party got itself in government was that it ceased, over a long period, to listen to the views of those outside the Government. We do not intend to repeat that mistake, especially in the legislation.

The hon. Gentleman asked how we could develop the partnership at work and make it responsive in different circumstances. A Government proposal that I did not flag up in the statement is that we shall make funds available to contribute to the training of managers and employee representatives, precisely to assist and develop partnerships at work.

The hon. Gentleman also asked whether it is clear in the White Paper that the Government recognise the rights of individuals to join or not to join a trade union. Of course we do, and we make that explicit. A difficulty in constructing the White Paper was achieving the balance of the sections on individual and collective rights, because some rights that come under the broad heading of collective rights are rights for individuals. We very much recognise the role of the individual and of an individual's skills.

The hon. Gentleman made a point about procedures not being cumbersome. We have sought to avoid that and have put in place clear time limits on procedures so that they cannot be dragged out unduly, to everyone's disadvantage. I repeat that the thrust of the White Paper is to drive back towards voluntary agreement, at every step.

Ms Ruth Kelly (Bolton, West): May I warmly welcome the solid family-friendly policies in the White Paper, especially the three-month parental leave, for men and for women, whether they have a child or whether they choose to adopt a baby? I also welcome the protection from unfair dismissal, should people choose to exercise that right.

Is my right hon. Friend aware that, at the latest count, more than 14,000 women were on maternity leave in the north-west of England? Will she join me in asking the right hon. Member for Wokingham (Mr. Redwood) whether he is prepared to tell any of those women whether that new right would be repealed under a Tory Government?

Mrs. Beckett: My hon. Friend is entirely right. The right hon. Member for Wokingham and his colleagues are clearly opposed to many of the measures in the White Paper; what is not clear is whether they would abolish the right to parental leave and whether they would go back on the reduction of the qualification period for unfair dismissal. It is far from clear to what extent the Conservative party would drive back the agreements that we propose to enshrine in law, but, as the right hon. Gentleman identified any change as being disadvantageous, my hon. Friend is entirely right to fear for our proposals, should the Conservative party be returned to power.

Mr. Tom King (Bridgwater): Does the right hon. Lady recognise that I particularly appreciate her statement that there will be no going back to the days of strikes without ballot, mass picketing and the closed shop? Does she recall the particular pleasure that I had of taking through the legislation that gave people the right to ballots before strikes? I have a good enough memory to remember that she and a considerable number of Labour Members voted strongly against it. May I say how pleased I am that there is to be no going back on that, and ask her whether she can give a clear assurance that recognition ballots will at all times be postal?

Mrs. Beckett: No. It would be possible for such a ballot to be conducted on the basis of a ballot at the place of work, if that is what is sought. *[Interruption.]* If there is a feeling that that would not be desirable and that there would be, for one reason or another, a desire for a postal ballot—obviously, all ballots would be secret—that, too, could be assured. We have allowed for either a workplace or a postal ballot, depending on choice and what is thought to be right.

Mr. King *indicated dissent.*

Mrs. Beckett: The right hon. Gentleman shakes his head, but that brings me to my second point to him. He was careful to say that he welcomes our recognition that some of the changes in law that he made do not require to be changed in future. I hope that he will give us the assurance that he recognises that the pattern of change that the Government propose is right for today's and tomorrow's workplace and that he will support it.

Mr. Dennis Skinner (Bolsover): Is my right hon. Friend aware that the nature of the trade union laws passed by the previous Government is such that it has resulted in, for example, the National Union of Mineworkers not only not being recognised by private owners but not being able, in the industrial climate in many workplaces where the bosses rule, to have a basic pay increase throughout the 1990s? The right hon. Member for Wokingham (Mr. Redwood) is totally out of touch with the present climate of opinion in which people recognise that those who work and provide the country's wealth have a right to proper trade union recognition.

Two or three areas in the White Paper are a bit dodgy, to say the least. First, we think that the 40 per cent. should not have been applied. If it had been applied in the referendum on a mayor for London it would not have passed the test. Secondly, the limit of 20 employees will mean that about 5 million workers will not be included in the measures. The measures on unfair dismissal should have taken us back to the pre-1979 position or to day one from work.

Mrs. Beckett: I hear what my hon. Friend says. He has a long history of fighting on behalf of workers who face difficulties and, sometimes, exploitative and unfair employers. The 40 per cent. is a balanced judgment. There was certainly mutual agreement between the Confederation of British Industry and the Trades Union Congress that it would not be right for recognition to be granted unless there was a serious body of support in the workplace for it—unless there was, in the phrase that is enshrined in industrial relations law and which has been practised for some time "sustainable support" for collective bargaining in the place of work.

[Mrs. Beckett]

It is generally and widely accepted that collective bargaining requires to be sustained by considerable support, and it becomes a matter of balancing that judgment. It seemed to the Government that the balance should be 40 per cent. One of the features of the Government's proposal on that judgment is that it is in everyone's interest to maximise turnout and the vote in the ballot. If an employer does not wish a union to be recognised it is in his interests to get as many employees as possible to vote. Similarly, it is in the interests of the trade union to get as many employees as possible to vote if it wishes for recognition. That seems to be the right balance. We are encouraging a genuine and as large as possible turnout of people expressing their view and that, after all, is the issue on which the legislation will be based. *[Interruption.]* I am reminded of the point that my hon. Friend made about small firms. Current employment legislation contains a criterion for small firms to be excluded on the ground that such legislation might have a particular impact on them. The definition has been set at the level of 20 employees or fewer, and it has been repeated in the legislation.

Mr. Douglas Hogg (Sleaford and North Hykeham): Does the right hon. Lady accept that one of the most important reasons for the improvement in our industrial relations during the 1980s and 1990s was the decline in the number, influence and power of trade unions? Anything that reverses that is a step back to the anarchy and strife of the 1970s. Does she further accept that her proposals are a serious infringement of the rights of employees who do not want union recognition in their businesses? Is that not an example of the rights of individuals being set aside at the behest of the right hon. Lady's paymasters?

Mrs. Beckett: The right hon. and learned Gentleman is a prominent member of one of the few remaining closed shops—not, I hasten to add, that I am in any way attacking lawyers—and benefits from a protection that he wishes to deny others. As for all the other rubbish that he came out with, being in government for too long has made him completely out of touch with the modern workplace.

In today's workplace, people fear not the overweening power of trade unions, but having no rights, no security and no confidence either that they can be sustained fairly in their place of work, or that they can find fresh employment, should they be unfortunate enough, for whatever reason, to lose their job. Those are the concerns which, in a variety of arenas, and including the White Paper, the Government are endeavouring to address.

As for all that stuff about how people will have things forced on them that they do not want, it will be a matter of choice. The right hon. and learned Gentleman and his hon. Friends are saying that even if 100 per cent. of employees in a place of work wish their trade union to be recognised, they would deny it to them. That is not freedom of choice.

Mr. Alex Salmond (Banff and Buchan): May I tempt the right hon. Lady away from the 40 per cent. rule and towards what I believe are her own natural instincts? For 20 years, I have watched Scottish politics being poisoned as a result of a fundamentally undemocratic 40 per cent. rule, where those who did not vote were deemed to have voted in, or supported, one direction. It would give employers an incentive not to get people out to vote, but to let people stay at home. The Government did not ask for it in Scotland last year, they would not have dreamed of asking for it in Northern Ireland and they allowed a mayor of London to be created on 25 per cent. of the total electorate. How can it be that some of the largest, most progressive and successful companies in Scotland have made it clear that they would be happy with the principle of "One vote is enough in a democracy," but the Government have kowtowed to a few last ditchers in the CBI?

Mrs. Beckett: I know that there are many large and successful companies throughout the United Kingdom that believe that it is right and in their interests, as well as in those of their employees, to recognise trade unions. There is nothing to prevent them from doing so; indeed, this legislation encourages and supports them in that wish. The hon. Gentleman is simply mistaken in saying that this legislation contains incentives for people not to vote. That is not true.

The Government are clear, as are both the CBI and the TUC, what people want. I emphasise again that if it is not possible for voluntary agreement to be reached and if people are forced to fall back on the law—although we believe that, in the vast bulk of cases, they will not be—there will be every incentive for all the people involved to create the maximum interest in the ballot and to get the maximum expression of opinion among the work force. If that expression of opinion does result in a majority, with 40 per cent. of those who vote in that ballot being in favour, recognition will undoubtedly be secured. That is an important change.

It is crystal clear that we would not have got anything in this package from the Conservative party. Frankly, we would not have got it from the hon. Member for Banff and Buchan (Mr. Salmond) either, as he would never be in a position to deliver it.

Mr. Derek Foster (Bishop Auckland): Is my right hon. Friend aware that we had only to listen to the litany of out-of-date, out-of-touch attitudes from the Conservative party to be reminded of what the voters rescued us from on 1 May last year? Nevertheless, she will be aware of the widespread unease among trade unionists that the formula for recognition seems to be markedly different from what we believed the manifesto said. Even so, the White Paper represents a major step forward in enhancing fairness at work. What is required now is an enthusiastic response from the business community in pursuing partnership to deal with the productivity gap that the Government have identified.

Mrs. Beckett: My right hon. Friend is entirely right. The Government are seeking to foster such constructive partnership. In fact, one of the reasons for strongly promoting an atmosphere of voluntary partnership is precisely that it is the only way to secure productivity improvement. Indeed, it is the only way to secure economic prosperity.

On my right hon. Friend's first point, I can only repeat that the matter remains one of balance and judgment. I believe that no one thinks that a very small minority of people in a place of work voting in a ballot for recognition means that collective bargaining in that place of work

could be sustained. Owing to his long experience and expertise in these matters, my right hon. Friend will know that, when informal procedures operated in this area, there was a general broad judgment of custom and practice on the level of involvement in the union required to sustain collective bargaining. The Government are giving that statutory recognition.

Mr. Kevin McNamara (Hull, North): Is my right hon. Friend aware that much in the White Paper will be welcomed by the vast majority of people? It contains many great advances in family-friendly policy and other matters, but, as Mr. Eric Heffer, the former Member for Liverpool, Walton, once said over a document called "In Place of Strife", it is a barrel of honey spoilt by a ha'porth of tar.

This ha'porth of tar comprises two things. First, if 39 per cent. of employees in a firm of 100 employees vote for recognition, two vote against and the rest do not vote, there would be no recognition.

Secondly, my right hon. Friend spoke about simple justice and human dignity, but if one works in a firm of 21 people, the union is recognised, whereas if one works in a firm of 19, the union is not. My right hon. Friend has striven very hard, but even her figure of 40 per cent. does not meet the 33.33 per cent. that ACAS and others recognised in the past—and that was too high.

Mrs. Beckett: I am grateful to my hon. Friend for some of his supportive words. All I can say to him is that, of course, whatever the threshold or the ballot result, a result will not be reached when a firm comes in at one below or two below. That would apply whatever the test or the nature of the test. The matter is one of balance and of judgment. In the overall framework of the package that the Government have proposed and in considering how such issues will be decided, we have tried to set the balance where we think it is right, workable and demonstrates serious and substantial support for collective bargaining.

The level of 20 employees has been enshrined in legislation as a point at which there is a difference in the structure of the workplace and the ease with which these matters can be decided. However, if some dispute or difficulty should arise in workplaces with fewer than 20 employees, particularly if a person is a trade union member—this is partly what I meant when I said to the hon. Member for Eastleigh (Mr. Chidgey) that, although some of the provisions are in the context of collective rights, they are rights for the individual—that individual trade union member will have the right to be accompanied by a trade union official should he or she wish to be so. I know that, from his experience, my hon. Friend recognises how important that is—perhaps far more than the threshold for very many employees of small companies.

Sir David Madel (South-West Bedfordshire): In its 23 years of existence, the Advisory, Conciliation and Arbitration Service—ACAS—has made an enormous contribution to the improvement of industrial relations. Was it pressing for any or all of the reforms in the White Paper? Will the White Paper encourage more single-union recognition agreements in manufacturing industry, since such agreements have also done much to improve industrial relations?

Mrs. Beckett: The hon. Gentleman may be aware that we have recently supported legislation from another place strengthening ACAS's roles and responsibilities. However, ACAS's responsibility is not to advise the Government on how we should develop policy but to help to administrate. The context of the work done by ACAS is to encourage voluntary resolution of difficulties and disputes, which is the exact context and thrust of the White Paper.

It is for employees to decide whether they wish to work in a single union. I do not think that it would be possible to say whether the legislation specifically promotes single or multi-union workplaces. Quite simply, it provides a framework within which decisions can be reached when a majority of employees, or a substantial number of employees, seek union recognition.

Mr. Joe Ashton (Bassetlaw): Is my right hon. Friend aware that the Conservatives lost the general election because they created a climate of fear in every workplace across the country, which cost them hundreds of thousands of votes? Despite the change of Government, there is still a great deal of fear in the workplace about sticking one's neck out, to try to form a union.

Although the White Paper states that it will be an offence to blacklist anyone who tries to join a union, is my right hon. Friend aware that—in these days of the Data Protection Bill, and the widespread use of computers networked across the country—it will be very difficult to prove blacklisting? Is she aware that people who stick out their neck in trying to go for the 40 per cent., and fail, can easily be made redundant, placed permanently on night shifts, moved to another part of the country, or have other sanctions, which can be very difficult to prove, used against them? Will she show some flexibility on the 40 per cent., and on the blacklisting provisions—to make them watertight?

Mrs. Beckett: My hon. Friend has great experience in these matters. With great respect, I tell him that, although blacklisting is not always easy to prove, the fact that it is now an offence to promote blacklisting will certainly make a substantial difference. It will also, correctly, be an offence to penalise anyone who campaigns either for or against union recognition. People will have the right to be protected against ill-treatment because of their actions either in their own cause or in advancing the cause of others.

As the legislation is considered, its detail will have to be explored to determine how effectively those rights can be protected. Nevertheless, we believe that the Government's enshrining of those protections in the law, for the first time, is an important step.

Mr. Eric Forth (Bromley and Chislehurst): Is the Secretary of State aware that she has taken a huge gamble with industrial relations, and therefore with prosperity in this country? Against the background of a secular and very welcome long-term fall in unemployment and an all-time low in industrial strife, does she not think that there is at least a strong risk that many of the measures

[Mr. Eric Forth]

that she is proposing in the White Paper could jeopardise both of those positive factors, and therefore operate against prosperity in the medium to long term?

Mrs. Beckett: I recognise the concerns identified by the right hon. Gentleman. I simply tell him that I am not a gambler. The only thing that I ever gamble with is my life and my livelihood, by standing to be a Member of this place. He is profoundly mistaken in thinking that our package of measures represents a gamble. As I said earlier and now repeat: the Government are attempting to spread best practice in the workplace, so that it is normal practice.

I think that the right hon. Gentleman will find—as he has more freedom now to go about the countryside, inquiring about what is happening in the modern workplace—that all the most successful companies will be able very easily and very freely to operate within the framework of the law. The type of practices that we encourage and enshrine are those that they now pursue—which is partly why they are successful.

Mr. John McAllion (Dundee, East): I warmly welcome most of what my right hon. Friend had to say today, but, as she has heard from other hon. Members, a 40 per cent. threshold denied Scotland a Parliament, which a majority voted for in 1979. Is she aware that, had such a threshold been applied in the Government's referendum in Scotland last year, our new Parliament would have been denied the right to vary the income tax rate, which was supported by 65 per cent. of voters? Does she understand that, in the vast majority of cases, 40 per cent. thresholds are designed specifically to create an insurmountable obstacle to those trying to achieve whatever they are trying to achieve?

Does my right hon. Friend agree that the role of a Labour Government is to provide not balance between the CBI and the TUC, but justice between the CBI and the TUC? The TUC has called the 40 per cent. threshold unreasonable and unworkable; I believe that it is also unjust and so do many of my hon. Friends. I hope that my right hon. Friend will consider that before she makes the mistake of writing that threshold into legislation.

Mrs. Beckett: Of course, I always take seriously my hon. Friend's observations. I share his view that the Government's role is to provide justice, not between the CBI and the TUC, but in setting the framework of law for rights in the place of work. The Government do not believe that setting the threshold for those voting in favour at 40 per cent. creates an insurmountable obstacle. As I have said to other colleagues, we must consider the balance of the whole package. After all, that threshold is part of the final stage in procedures that will come into play only if voluntary agreement is not possible. I repeat that, at every step, the White Paper encourages and supports a move towards voluntary agreement.

The assessment of the bargaining unit in which the judgment is made, and the procedures to be followed for discussions and negotiations between employers and employees will focus on, support and encourage partnership.

My hon. Friend should take into account the fact that the Government recognise that there are occasions when the voice of employees is irrefutable, and there will be automatic representation where more than 50 per cent. of employees in a place of work are members. The overall balance of the package must be assessed. The Government believe that the balance is the right one to sustain collective bargaining, make practical and workable law and encourage the partnership to deliver competitiveness that we all want.

Mr. David Prior (North Norfolk): In the Prime Minister's recent presidential tour of Japan, he drew attention to this country's excellent industrial relations and flexible labour market. Given the very high level of unemployment in most European economies, why is the President of the Board of Trade so slavishly following continental practice?

Mrs. Beckett: Oh, dear. The hon. Gentleman does not know much about continental practice if he thinks that all our actions slavishly follow it. We are setting a fresh balance for the framework of industrial relations law—where it is necessary to resort to law—that reflects the modern workplace and partnership that so many of our most successful companies advocate and practise.

Mr. Ian Pearson (Dudley, South): May I tell my right hon. Friend that good employers will welcome today's proposals on employee rights and have no problems with them? Does she agree that beating up on one's work force is not good management and is not good for Britain's economy? Will she assure the House that in the consultation process that follows, she will consult widely with small companies employing between 20 and 100 people to ensure that their interests are fully taken into account?

Mrs. Beckett: Apart from encouraging the use of voluntary measures to resolve difficulties, the White Paper throughout places emphasis on consultation, and I can certainly give my hon. Friend that assurance.

Several hon. Members *rose—*

Madam Speaker: Thank you. I am now closing the exchanges on the statement.

As there are a number of hon. Members in the Chamber, may I make it clear that I have always believed, and acted according to the belief, that when Members wish to question a ministerial statement, they must remain in the Chamber to hear it. If they leave, they have not heard the full statement and it is a discourtesy to the Minister who is at the Dispatch Box.

I noticed today that Members on both sides rushed out to the Vote Office to get the statement and the White Paper. It is not the White Paper that is being questioned, but the statement of the President of the Board of Trade. The time will come to debate the White Paper. I shall not call Members who go out to the Vote Office and seek papers. I have their names, so they need not bother to stand, if that is their intention. We shall now have the business statement.

Mr. Jim Marshall (Leicester, South): On a point of order, Madam Speaker.

Madam Speaker: I take points of order after all statements.

Mr. Marshall *rose—*

Madam Speaker: After we have finished the business statement.

Mr. Marshall: It is relevant, Madam Speaker—

Madam Speaker: They are always relevant, but I am afraid that I am now taking the statement by the Leader of the House.

Business of the House

4.24 pm

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): With permission, Madam Speaker, I would like to make a statement about the business of the House. The House is, of course, in recess next week, but I should like to inform hon. Members of the business for the first week back after Whitsun.

MONDAY 1 JUNE—Proceedings on the following Bills, which are consolidation measures:

The Petroleum Bill *[Lords]*.

The Audit Commission Bill *[Lords]*.

Remaining stages of the National Lottery Bill *[Lords]*.

Remaining stages of the Late Payment of Commercial Debts (Interest) Bill *[Lords]*.

TUESDAY 2 JUNE—Opposition Day (12th allotted day).

There will be a debate entitled "The dangers of changing Britain's successful and fair electoral system" on an Opposition motion.

WEDNESDAY 3 JUNE—Until 2 pm, there will be debates on the motion for the Adjournment of the House.

Consideration in Committee of the Human Rights Bill *[Lords]* (second day).

THURSDAY 4 JUNE—Until about 7 pm, Second Reading of the Registration of Political Parties Bill.

Debate and motions on modernisation of the House of Commons.

FRIDAY 5 JUNE—Debate on Government support for sport on a motion for the Adjournment of the House.

The provisional business for the following week will be as follows:

MONDAY 8 JUNE—Progress on remaining stages of the Teaching and Higher Education Bill *[Lords]*.

TUESDAY 9 JUNE—For three hours, conclusion of remaining stages of the Teaching and Higher Education Bill *[Lords]*.

Consideration of any Lords amendments which may be received to the European Communities (Amendment) Bill.

WEDNESDAY 10 JUNE—Until 2 pm, there will be debates on the motion for the Adjournment of the House.

Consideration in Committee of the Human Rights Bill *[Lords]* (third day).

THURSDAY 11 JUNE—Debate on the prospects for the Cardiff European Council on a motion for the Adjournment of the House.

FRIDAY 12 JUNE—The House will not be sitting.

Mrs. Gillian Shephard (South-West Norfolk): I thank the Leader of the House for that statement. I am glad to hear that the House will have the opportunity on its return from the recess to debate the Registration of Political Parties Bill, and also that we shall have the opportunity to debate European matters, albeit on a motion for the Adjournment. It is especially welcome that the issues considered by the Modernisation Committee are to be debated, when we will have the benefit of hearing views on them expressed by all hon. Members.

[Mrs. Gillian Shephard]

The right hon. Lady has announced debates on the national lottery and sport for all. Will she arrange for the Secretary of State for Culture, Media and Sport, before those debates take place, to make a statement to the House on his plans for the television coverage of major sporting events and to give his response to the views on listed sporting events of his own advisory panel?

No doubt the right hon. Lady will be hoping that I do not ask again for a debate in Government time on the national health service—but I intend to do so. I, in turn, hope that she will not reply that the Conservative Government held only one such debate during the previous Parliament. As she must know, that count omits all the debates on health legislation under the Conservative Government. That is a nice little argument thought up by researchers, but it does not stand up to scrutiny.

The Leader of the House knows that yesterday the Prime Minister was finally forced to admit that he had broken an early election pledge, as hospital waiting lists have gone up—not down, as he promised this time last year they would. Will she therefore arrange for a debate in Government time on the national health service, so that Ministers can come to the Dispatch Box to explain that they have broken their own election promises—it is not something which they can blame on previous Governments—and that, despite the extra panic injections of cash into the NHS, their spending in the past year falls well short of the annual percentage increases achieved by successive Conservative Governments? Ministers may also want to say what they plan to do about the National Audit Office's alarming report on the difficulties that the health service is having in coping with the millennium bug.

I feel sure that the right hon. Lady will be aware that, as a result of the Foreign Secretary's refusal to respect the Standing Orders of the House on the powers of Select Committees to send for departmental papers, the Foreign Affairs Committee, with the support of hon. Members from all three main political parties, has today taken the unprecedented step of making a special report to the House—I have a copy here—enclosing its correspondence with the Foreign Secretary and asking for the views of the House. The Foreign Secretary's unacceptable behaviour towards the Foreign Affairs Committee raises profound issues concerning the conduct of all Select Committees and, indeed, of the House. What arrangements will the right hon. Lady make so that the House can give its views on the matter, as the Foreign Affairs Committee requested?

Mrs. Taylor: I am glad that the right hon. Lady has welcomed some of the debates that I have announced. Listed sporting events can be discussed during debates on the remaining stages of the National Lottery Bill, which she mentioned, at Question Time to the relevant Minister on Monday 1 June and during the specific debate. We must rely on my right hon. Friend the Secretary of State for Culture, Media and Sport to choose when to make an announcement on the matter. He has certainly gone out of his way to ensure that as many hon. Members as possible have been consulted; their views will be taken into account before decisions are made.

The right hon. Lady asked me not to remind her that, under the Conservative Government, there was only one Government debate on the health service in so many years. Tuesday 2 June will be an Opposition day—if the Opposition felt that the issue was sufficiently important, they could have chosen to debate it then. The right hon. Lady accused the Government of panicking, but the Prime Minister made it clear yesterday, in reiterating our election pledge, that waiting lists would be reduced in the lifetime of this Government. He cited significant figures showing the extra money—£5 million every day—that the Government are spending over and above what the Conservative Government would have been spending had they remained in power.

On the report of the Foreign Affairs Committee that was issued today, the right hon. Lady is wrong to say that the Government are not respecting the Standing Orders of the House. She will know that, in writing to the Select Committee, my right hon. Friend the Foreign Secretary said that it was a long-standing practice of all parties in government that telegrams should not be made public, as telegrams, like other classified documents, frequently contained frank and other sensitive reports of exchanges with other Governments, or with individuals, who expected their confidences to be respected. There is no point in the House pre-empting the independent inquiry that has been announced and whose findings will be made public.

Mr. Paul Tyler (North Cornwall): Will the Leader of the House reflect further on the request that has been made to her about the Foreign Affairs Committee? Does she recognise that the opinions of hon. Members from all parties are represented in the Committee's majority view?

Will she also reflect on the general concern, which touches not only on Sierra Leone, but on the unfinished business in the wake of the Scott report? Is it not now clear, particularly in the light of the revelations about Mr. Jonathan Aitken in the press this morning, that the House must get to the bottom of a great deal more murky business relating to arms sales under the previous Government and, I regret to say, under the current Government, to Indonesia? Does it not now seem amazing that the former Prime Minister should have appointed Mr. Aitken as Minister for Defence Procurement, and is it not extraordinary that neither the former Prime Minister nor any of his associates have made a statement about this morning's revelations? Should we not recognise that, despite the valiant efforts of the Foreign Affairs Committee, the House needs a special mechanism to monitor the sensitive question of arms sales?

We have for many years been able to have full confidence in the Intelligence and Security Committee, on which the right hon. Member for Bridgwater (Mr. King) and my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) deal with sensitive issues relating to Government communications headquarters, MI5 and MI6. Surely we can develop a system whereby the House can have full confidence that these sensitive matters are under full parliamentary control.

Mrs. Taylor: I have nothing to add to what I said about the report. Former Ministers and the revelations in the newspapers this morning are fortunately not matters for me.

Mr. Jim Marshall (Leicester, South): It is not my intention to raise a point of order, Madam Speaker, since I believe that you are aware that, in a blink of one of your eyelids, an hon. Member scurried out and scurried in with copies of the statement of the President of the Board of Trade.

Madam Speaker: For which he is now terribly sad.

Mr. Marshall: I can see the sadness in his face, Madam Speaker.

My right hon. Friend the Leader of the House will be aware of the wide interest in the statement on the Government's White Paper "Fairness at Work". Will that be debated in the very near future? Looking further ahead, when the detailed legislation is introduced, will the two figures, dealing with the 40 per cent. threshold and the exclusion of firms with fewer than 20 employees, be presented in such a way as to be debatable and amendable either in Committee or on Report?

Mrs. Taylor: My hon. Friend is right to remind the House that hon. Members are called entirely at your discretion, Madam Speaker, and I know that you exercise that discretion extremely well.

The White Paper was generally extremely well received in the House a few minutes ago. I understand how much interest there is, and that hon. Members will want to debate the proposals. My hon. Friend knows how crowded the parliamentary timetable is at the moment, and I do not expect he believes I can provide a time in the immediate or near future for a debate, but, of course, I will bear it in mind. When the legislation comes to be discussed, the selection of amendments is a matter for Madam Speaker, and that selection will determine what items are debated. I cannot pre-empt a decision on when the legislation will be introduced, because we do not say in advance what will be in any Queen's Speech.

Sir John Stanley (Tonbridge and Malling): Is the Leader of the House aware that her answer on the Foreign Affairs Committee report completely missed the central point? Is she further aware that the Foreign Secretary's comment about the publication of telegrams is a red herring, as the central issue is the power of Select Committees to send for papers, which most certainly do not have to be published?

Mrs. Taylor: There are long-established practices in the House, and I do not think that my right hon. Friend the Foreign Secretary is suggesting that they should be changed.

Mr. Harry Barnes (North-East Derbyshire): Can we have a debate on the closure of jobcentres? There are two answers that I am not looking for: first, that I should apply for an Adjournment debate, because I fully intend to ask for such a debate on the threatened closure of jobcentres at Dronfield and Eckington in my constituency; and, secondly, that I should table a question for Employment questions on 11 June, because I intend to do that as well. We need a fully fledged debate on the problem of jobcentre closures and the apparent policy of what is known as rationalisation.

Mrs. Taylor: My hon. Friend anticipates my advice, but I can tell him that no decisions have been made. There have been exhaustive consultations on the issue in his locality, and my right hon. Friend the Minister for Employment, Welfare to Work and Equal Opportunities and I know of his concerns. I will ensure that my right hon. Friend is reminded of the keen interest that my hon. Friend takes in these matters.

Mr. David Maclean (Penrith and The Border): Has the Leader of the House seen early-day motion 1356?

[*That this House notes with dismay reports that Sir Thomas Legg was forced to admit to the Committee of Public Accounts in 1993 that he had given an incorrect answer to the Committee when he stated that no judges had complained about cuts in legal aid when in fact such complaints had been received from both the Lord Chief Justice and the Master of the Rolls, and suggested to the Committee that he did not see these protests as 'very germane'; believes he is therefore a wholly inappropriate person to hold the inquiry into the Arms to Sierra Leone fiasco; and calls on Her Majesty's Government to replace Sir Thomas Legg with a High Court Judge and to hold the inquiry in public.*]

Will the right hon. Lady now acknowledge that the Government are steeped in hypocrisy, as is apparent when one contrasts their handling the BSE inquiry and the Cookie cover-up inquiry? Has she noticed that the BSE inquiry has an independent judge and meets in public, hearing evidence from all sides designed to get at the facts, while the Thomas Legg inquiry involves a Whitehall insider meeting in private and is designed to cover up the truth?

Mrs. Taylor: I totally reject what the right hon. Gentleman says. As he knows, Sir Thomas Legg is heading the inquiry. The shadow Foreign Secretary has acknowledged his qualities. When the report is published, we will see just how shallow some of the allegations are. Conservative Members seem to forget that it is allegations that are spoken of, not facts. The inquiry is the best way forward.

Mr. John McDonnell (Hayes and Harlington): If there is not to be an early debate on the White Paper, may we have an early debate on industrial relations? That would enable us to highlight the concerns, particularly in west London, about the bitter dispute at the factory owned by Mr. G. K. Noon. My right hon. Friend may recall that my hon. Friend the Member for Brentford and Isleworth (Ann Keen) and I raised the issue of the dispute several weeks ago. There was cross-party agreement that management and unions should come together. I facilitated such a meeting and Mr. Noon agreed to give the union the right of representation. Unfortunately, yesterday he resiled from that agreement and has disciplined a senior shop steward. We would like to expose such mendacity and intimidation in a debate on industrial relations.

Mrs. Taylor: I understand my hon. Friend's concerns, but I am afraid that I cannot find Government time in the near future to explore the issue that concerns him and, no doubt, his constituents. His best course may be to apply for an Adjournment debate.

Sir Sydney Chapman (Chipping Barnet): As Britain is a signatory to the Ottawa treaty, which, as the right hon.

[Sir Sydney Chapman]

Lady knows, contains provisions on banning of land mines, land mine clearance and the rehabilitation of land mine victims, does she think that legislation is necessary in the UK Parliament to give effect to its provisions? If so, may we have her assurance that such legislation will be introduced sooner rather than later—if possible, before the end of this parliamentary Session, given that its provisions are presumably uncontentious?

Mrs. Taylor: I have previously said at business questions that I am very sympathetic to the Ottawa convention and understand the need to ratify it as soon as possible. We signed it in December and want to ratify it as quickly as possible, but we have to do so when there is parliamentary time. I hope that there will be much support for such a move. Such measures can never be guaranteed an easy passage, but we are looking to make progress on the issue.

Mr. Nigel Evans (Ribble Valley): Has the Leader of the House seen early-day motion 1237 on motor neurone disease?

[*That this House welcomes the launch of Motor Neurone Disease Awareness Week on 25th April and congratulates the Motor Neurone Disease Association and its 94 branches throughout the UK for its work in caring for people affected by this uniquely rapid terminal disease; notes that there is no cure and no known cause of the disease, from which one person dies in the UK every eight hours; further notes that the association has chosen the theme of Racing Against Time for Awareness Week to reflect the fact that the speed of progression of the disease from diagnosis to death poses a major challenge to health, social service and social security providers; further notes that because of a failure by statutory providers to prioritise MND adequately, people with MND often do not access appropriate support and services rapidly enough; and further calls on Her Majesty's Government to take into account the unique nature of motor neurone disease in its health, social service and social security policy reforms and specifically to ensure that MND sufferers in receipt of lifetime awards are not subjected to detailed interview under the Benefit Integrity Project.*]

The motion has been signed by 69 Members, and states, in essence, that three people a day die from the disease and that not enough of the sufferers get the care that they need quickly enough.

I received a faxed statement today from the Preston Acute Hospitals NHS Trust which states that funding for its motor neurone care facility is being withdrawn. The facility has operated since 1993, is internationally renowned and gives care and support to the people who are suffering most. Could the right hon. Lady bring that to the attention of the Secretary of State for Health? On a day when we have had appalling news about the national health service, to think that a care facility that is doing so much good work for so many people in the Preston area could be withdrawn is a scandal. I have written to the Prime Minister to ask him to intervene. Will she do all that she can to bring it to the attention of her colleagues?

Mrs. Taylor: I do not know about the circumstances that apply in Preston, but I know of the good work of the Motor Neurone Disease Association in supporting sufferers and in research. The hon. Gentleman asked me to bring the matter to the attention of my right hon. Friend the Secretary of State for Health. I am certainly willing to do so. I am afraid that I cannot find time for a debate, but he may wish to apply for an Adjournment debate.

Mr. Christopher Chope (Christchurch): When we discuss modernisation of the House, will the right hon. Lady have regard to the need for the Government to modernise their approach to treating Members? Is it not unacceptable that the Secretary of State for Social Security, having received a letter from me on behalf of a constituent in desperate financial difficulties back in December, responded only today, some five months later, despite numerous reminders? Is it not also unacceptable that, on two separate occasions in recent weeks, the Under-Secretary of State for the Environment, Transport and the Regions, the hon. Member for Hampstead and Highgate (Ms Jackson) has promised to deliver documents to the House within a specified time scale and failed to deliver them? Only today has she produced the final national road traffic forecasts background papers that were originally promised last October. When will we get the much-delayed White Paper on integrated transport?

Mrs. Taylor: The hon. Gentleman raises a series of issues. I was not aware of any of the problems on documents to which he referred, because he has not mentioned them to me. I hope that we will see the transport White Paper in the not-too-distant future. On answers to questions and letters, he may not have been here yesterday when I informed the House of the action that the Cabinet Secretary and I have taken on the matter.

Mr. Ian Bruce (South Dorset): My question follows that of my hon. Friend the Member for Christchurch (Mr. Chope). The right hon. Lady told the House on Monday that she had written to her colleagues at the end of March about their appalling service to Members of Parliament in responding to letters. What response has she had—or is she, like us, still waiting for a reply?

Mrs. Taylor: I am tempted to ask the hon. Gentleman where he was on Monday when he missed a question to me on this issue. As one who has followed the issue, he knows that we are monitoring the situation. Some Departments have had a vast increase in the number of letters that they receive. We are taking steps to ensure that full replies are given as soon as possible.

Mr. John Swinney (North Tayside): Will the Leader of the House find time for a debate on the nuclear tests carried out by the Government of India, to give the House the opportunity to express its views in the strongest way possible about the further proliferation of nuclear tests?

Mrs. Taylor: We had a statement on that. I think that there is much concern among all hon. Members about the action that India took. I understand why hon. Members would like time to debate it further. I am afraid that I cannot see the prospect in Government time in the near future. That does not mean that all hon. Members are not very concerned about what has happened.

Mr. Eric Forth (Bromley and Chislehurst): Can we have a debate on the relationship between the House of

Commons and the Administration? I ask because there is an increasing perception that Ministers are completely failing even to attempt to answer questions, oral or written. I cannot judge whether it is a case of idleness or of evasiveness, but, whatever the reason, it is becoming a serious problem. I hope that the you, Mr. Deputy Speaker, and Madam Speaker will take an interest in it. The matter must be dealt with openly because it is becoming a scandal. Perhaps the answer is to set up a traditionalisation committee to get back to old standards instead of inventing new ones.

Mrs. Taylor: The right hon. Gentleman is so concerned because he does not like the fact that it is Labour Members who are answering the questions. He had many years in government and was an expert at deciding what information he would give. He is suffering from selective amnesia.

Mr. Patrick McLoughlin (West Derbyshire): May I press again for a debate on how magistrates courts are organised, following the growing concern in Derbyshire about the proposed closure of Ashbourne, Bakewell and Matlock magistrates courts? That will mean long journeys for my constituents to get access to local courts. If local papers cannot report what is going on in the courts, justice will suffer.

Mrs. Taylor: I know of the hon. Gentleman's concern about those issues, which is shared by other hon. Members who represent that part of the country. He will be aware that my hon. Friend the Member for South Derbyshire (Mr. Todd) raised that matter in the spring Adjournment debate yesterday morning. I promised then to draw Ministers' attention to the remarks, and will add the hon. Gentleman's remarks this afternoon.

Mr. Andrew Lansley (South Cambridgeshire): If the Leader of the House is unwilling to have a debate on the health service in general, will she at least arrange for a debate on the national health service White Paper, as more than five months have gone by since it was published and there have been no opportunities to debate it? The widespread concern among general practitioners about the Government's proposals for primary care groups could then be aired in the House. Does the right hon. Lady recognise that the habit of presenting health service policies without providing an opportunity for debate is becoming chronic?

Mrs. Taylor: The White Paper made clear our commitment to putting family doctors and community nurses in the driving seat in shaping local health services in the future. There is a general welcome for our approach. I certainly do not rule out a debate on the health service. Indeed, I told my hon. Friend the Member for Walsall, North (Mr. Winnick) that I would very much like to be able to find time for such a debate around the 50th anniversary. At the moment, the timetable is extremely congested and there simply is not time for it. If the Opposition thought that the matter was of sufficiently high priority, they would have opted for a debate on it the Tuesday after we come back, which is an Opposition day.

Mr. John Bercow (Buckingham): Will the right hon. Lady find time for an early statement by the President of the Board of Trade on a subject that was not significantly covered in her remarks this afternoon, the European Commission's proposal for works councils in Britain and elsewhere in the European Union? Is the right hon. Lady aware that on 9 November, on the BBC's "On the Record", when asked what she would do if the European Commission persisted with proposals for works councils in Britain in companies with as few as 50 employees, the President of the Board of Trade limply replied, "Well . . . er . . . we shall see how things go." Are we not owed a statement of intent by the President of the Board of Trade or a simple admission of impotence?

Mrs. Taylor: Clearly, the hon. Gentleman is frustrated that he could not ask a question of the President of the Board of Trade earlier. My right hon. Friend dealt with the issue extremely well, and I see no need for another statement.

Mr. Andrew Mackinlay (Thurrock): Will my right hon. Friend give an undertaking that, when a decision is reached on the channel tunnel rail link, the announcement will be made to the House and there will be a statement? I understand that a conclusion has almost been reached on what is a matter of great importance to my constituents and those of many other hon. Members—and particularly to those of us who feel that the link should either be completed in its entirety or not at all.

Mrs. Taylor: I understand the concern of my hon. Friend and other hon. Members about that issue. My right hon. Friend the Deputy Prime Minister has kept the House informed of developments. London and Continental Railways has given him its revised proposals, and discussions between the company and Government are continuing. My right hon. Friend will make a statement in due course.

Sir Patrick Cormack (South Staffordshire): Will the right hon. Lady reconsider her curtly dismissive replies to questions on the first special report of the Foreign Affairs Committee? May I remind her that it is, indeed, a first special report? Is she aware that the Clerk's letter to the Foreign Secretary pointed out that there is a precedent for making the documents requested available? It dates from 1982 when another party was in office—I will not remind her which. Also, there was no request for the documents to be made public; the request was that they be made available to the Committee. Does she really think it appropriate that Sir Thomas Legg should be able to see documents to which Privy Councillors sitting in this House are denied access? Will she please reconsider her answer and also address herself to the final question of my right hon. Friend the Member for South–West Norfolk (Mrs. Shephard), which referred to the final sentence of the report:

"The views of the House are sought."

What arrangements does she propose to take to ascertain the views of the House?

Mrs. Taylor: The usual arrangements will apply. The Foreign Secretary has pointed out the difficulties that could arise if the long-standing practice was not applied.

[Mrs. Taylor]

Also, we are in an unusual situation in that an independent inquiry is being conducted into these matters. We should not try to second-guess the outcome of that inquiry.

Several hon. Members *rose—*

Mr. Deputy Speaker (Mr. Michael Lord): Order. We must now move on.

Points of Order

4.56 pm

Mr. Ian Bruce (South Dorset): On a point of order, Mr. Deputy Speaker. Perhaps you or Madam Speaker could make a statement to remind the House of the rules about whether hon. Members are allowed to ask particular questions if they have registered an interest. Anyone reading today's *Hansard* and the Register of Members' Interest will see the link between trade union sponsorship and questions asked, very much off message, by Labour Members—

Mr. Deputy Speaker: Order. There is a procedure for dealing with such complaints, and at this time the Floor of the House is not the place to do it.

Dr. Evan Harris (Oxford, West and Abingdon): On a point of order, Mr. Deputy Speaker. In view of the reports in today's newspapers about the crisis in the nation's blood supply, the financial crisis within the National Blood Authority, and the news of the sacking of that authority's chief executive—which I heard this morning and which was not conveyed, to me at least, by ministerial letter—have you had a request from a Minister to make a statement to the House about that serious matter affecting the nation's blood supply and its management?

Mr. Deputy Speaker: I have no knowledge of any statements to be made on that subject.

Mrs. Gillian Shephard (South-West Norfolk): On a point of order, Mr. Deputy Speaker. It would be helpful if the Leader of the House could explain what are the usual arrangements when the views of the House are sought by a Select Committee.

Mr. Deputy Speaker: It is for the Leader of the House to respond in the way that she thinks fit.

Mr. Eric Forth (Bromley and Chislehurst): Further to that point of order, Mr. Deputy Speaker. I heard, as did my right hon. Friend the Member for South-West Norfolk (Mrs. Shephard), the Leader of the House tell us—in what I thought was a spirit of helpfulness—that the usual arrangements would apply. It is not unreasonable to ask for the House, including you, Mr. Deputy Speaker, to be given guidance by the right hon. Lady as to what those arrangements are.

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): Further to that point of order, Mr. Deputy Speaker. I cannot believe that right hon. and hon. Members with experience of government do not know that the Government always respond to Select Committee reports.

Sir Patrick Cormack: Further to the point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order. I have dealt with that point of order, and right hon. and hon. Members on both Front Benches have heard what has been said. This is becoming an extension of business questions.

Sir Patrick Cormack *rose—*

Mr. Deputy Speaker: Is it a different point of order?

Sir Patrick Cormack: It is, Mr. Deputy Speaker. There has been a confusion between a Government's

response to a Select Committee report, which we all know about, and the Select Committee's opportunity to report. The Select Committee is a Committee of this House, set up by this House with a duty to report to it. When that Committee asks that this House advise it of its views, what opportunity has the House to do precisely that?

Mr. Deputy Speaker: As I have already made clear, those are simply requests for debates framed in different ways. It is for the Leader of the House to respond to those requests in the way that she deems fit. Now, perhaps, we can move to the main business.

Common Agricultural Policy

[Relevant documents: ECD No. 10934/97 relating to the common organisation in the market in beef and veal; ECD No. 13380/97 relating to agricultural production methods compatible with the requirements of the protection of the environment and the countryside; ECD No. 13111/97 relating to a Community aid scheme for forestry measures in agriculture; ECD No. 5102/98 relating to the second Commission report on the functioning of the ewe premium; ECD No. 5733/98 relating to the common organisation of the market in raw tobacco; ECD No. 5939/98 ADD 1, 2 and 3 relating to the prices for agricultural products (1998/99); ECD No. 6752/98 relating to measures and compensation relating to appreciable revaluations that affect farm incomes; and ECD No. 7072/98 relating to the granting of aid for the production of olive oil.

Mr. Deputy Speaker (Mr. Michael Lord): I have to inform the House that Madam Speaker has selected the amendment in the name of the Leader of the Opposition. Also, Back-Bench Members' speeches will be limited to 10 minutes for this debate.

4.58 pm

The Minister of Agriculture, Fisheries and Food (Dr. John Cunningham): I beg to move,

That this House takes note of European Community Document No. 7073/98 relating to reform of the Common Market Organisations for beef, cereals and milk and for the development of rural development policy in the European Union, and the Second Report from the Agriculture Committee, Session 1997–98, 'CAP Reform: Agenda 2000' (HC 311) and the Government response thereto (HC 719); and supports the Government's intention to negotiate an outcome which takes account of the interests of UK producers, consumers and taxpayers alike and of developing countries and to press for a reformed Common Agricultural Policy with substantially reduced overall costs, which is more economically rational, which reduces the bureaucratic burden on farmers, which provides a better framework for targeted environmental and rural development support, which contains fair and common rules to ensure that the UK's farm and food industries can exploit their competitive advantage in European and world markets, which facilitates the accession of associated countries and which offers the medium-term prospect of benefits to developing countries.

The debate is about Agenda 2000 reform of the common agricultural policy and related matters, but no doubt other issues will arise during our exchanges. Reform of the CAP is an important issue, not only for farmers, but for consumers, taxpayers and the environment. The Government are determined to see progress in these matters—indeed, enlargement of the European Union to the east, and the next round of World Trade Organisation negotiations make change essential, even inevitable. The Government's stance is generally shared by the National Farmers Union, the Country Landowners Association, the Liberal Democrats, many consumer and environmental organisations, and, in some respects, I am pleased to say, by Her Majesty's official Opposition.

During our presidency, we have given the reform negotiations a powerful start. A special Agriculture Council in March launched the debate. The presidency then initiated intensive technical examination of the proposals in Brussels, which continues. In Newcastle upon Tyne last week, Agriculture Ministers from all member states held a thorough debate on the subject of livestock farming in environmentally fragile areas, such as our own less-favoured areas.

The Labour Government continue to take a lead in Europe, unlike the Conservatives, whose posturing while they were in government did untold damage to British

[Dr. John Cunningham]

interests and to our farmers' interests. Judging by the speech by the Leader of the Opposition this week, they still have not learnt any lessons on Europe. We believe that it is better to influence the debate while it is happening, rather than stand on the sidelines sniping; only then can we ensure that the views of our country and of our farmers and rural communities are effectively represented.

A further discussion of the Commission's proposals at the Agriculture Council next week will enable initial conclusions to be drawn and impetus given to the continuing negotiating process. Our work provides a sound basis for agreement to be reached, probably in the first part of 1999. The Government have argued for reforms that will be less costly overall, which encourage a more competitive, sustainable agriculture, and which are fair to British farmers and enhance the rural environment and rural economy.

We have welcomed the Commission's general proposals. The proposed substantial cuts in support prices will save British consumers some £1 billion a year. They will encourage a more market-focused response from farmers and improve competitiveness on world markets. The proposed rural development regulation will create a welcome new framework for promoting agri-environmental measures and rural development. Farmers will receive compensation for the price cuts, and will benefit from the effective ending of compulsory set-aside.

However, the proposals do not meet all our concerns; nor do they go as far in some respects as we would wish. The initial costs of compensation payments are high, and the Commission has made no proposal for those payments to be time-limited, degressive and decoupled from production, as we believe they should be. It is also by no means clear that the proposals are sufficiently radical to permit successful enlargement of the European Union; nor might they be sufficient for the Union to avoid challenge in the forthcoming round of negotiations within the World Trade Organisation.

Mr. David Curry (Skipton and Ripon): The right hon. Gentleman said a moment ago that it was Government policy not to stand on the sidelines but to be part of the debate while it was happening, but it was reported this morning that the Prime Minister told Mr. Rupert Murdoch that the Labour party would not commit itself either way to the single currency at the next general election. Is that true, and, if so, is that being part of the debate or standing on the sidelines?

Dr. Cunningham: I do not believe that that newspaper report is true; nor is it relevant to what I was saying. However, let me say that both my right hon. Friend the Prime Minister and my right hon. Friend the Chancellor of the Exchequer have made the Government's position on the single currency absolutely clear. Incidentally, our position on that matter is supported by the National Farmers Union, unlike that of the Conservative party.

To return to the subject of reform of the CAP, the proposed dairy price cuts are insufficient to enable milk quotas eventually to be abolished. We shall press hard for arrangements permitting a quota-free regime after 2006, although that is a desperately late time for the changes to be made. In the meantime, I am not prepared to accept increases in milk quotas that discriminate against our efficient, competitive British dairy farmers, as the current Commission proposals would do.

Charlotte Atkins (Staffordshire, Moorlands): Is my right hon. Friend aware of the devastation caused to dairy farmers in my constituency by bovine tuberculosis? Since January, there have been 46 new outbreaks, with farms closed down. Will he tell us what progress is being made on the implementation of Krebs and the identification of new hot spots, as that is crucial to dairy farmers in my patch?

Dr. Cunningham: My hon. Friend raises a matter which is important to dairy farmers and to the nation generally. We are aware of the outbreaks in dairy herds, although, fortunately, they remain at a relatively low level. We have given a clear statement of our acceptance of the principles of the Krebs report—an investigation quite properly set up by the previous Administration; and we have set up an expert group under Professor John Bourne to advise how matters may be taken forward in that respect. We shall move with all possible speed consistent with accepting and having available to us the best scientific advice, but we know that the problem is an urgent and serious one which affects many dairy farmers, and we shall act as quickly as possible.

Mr. Michael Jack (Fylde): Before the right hon. Gentleman leaves the subject of milk quotas, will he tell the House, in the light of his request to the Agriculture Council in respect of the 30 per cent. cut in intervention prices, what increase in milk quotas he will now press for in order to compensate our farmers?

Dr. Cunningham: As the right hon. Gentleman knows, the Commission proposals envisage a 2 per cent. across-the-board increase in milk quotas for those member states which "have mountainous areas". With that very phrase, six member states, including the United Kingdom, are totally excluded from the proposals, and I regard that as arbitrary and unacceptable. We have made our position absolutely clear and shall continue to oppose the proposal on that as well as other grounds.

We will not accept a ceiling on farmers' payments which is applied at EU level and therefore takes no account of this country's larger and more efficient farm structure. If there are to be ceilings, they must be a matter for member states and member states alone to decide. In that event, it would be logical for any savings to remain available to the member state to finance agri-environmental and rural development measures, and not, as is envisaged, for savings to be returned to the CAP general fund for redistribution.

Improving the rural environment is an important component of the reforms. Cutting support prices should bring environmental benefits in many areas—for example, where it leads to reduced use of agro-chemicals. The rural development regulation will form an important new environmental pillar of the CAP. It will be important to ensure that measures under that regulation are not limited to farm-based activities, but can be used to foster a wide range of rural development activities to enable rural communities to prosper.

Mr. Tim Collins (Westmorland and Lonsdale): The right hon. Gentleman is referring to the idea of reforming

the CAP in the direction of transferring subsidies towards rural development. In that context, can he say anything about the proposals, which we believe are being discussed in Whitehall, to restructure the Ministry of Agriculture to become a rural affairs Ministry of the sort that the Select Committee on Agriculture recommended?

Dr. Cunningham: The hon. Gentleman tempts me, but the answer is no; I cannot say more than I have said—that matters are being considered. However, ultimately, decisions on reorganisation of Whitehall responsibilities are determined by the Prime Minister. No such decision is about to be announced.

I return to changes in the CAP. The Government's policy is ultimately to phase out direct production-linked support, and use some of the savings to reinforce the new rural development pillar. We believe that that is the best, most cost-effective, way to secure further environmental benefits.

The negotiations on CAP reform will inevitably continue for some months before they reach conclusions. Throughout those negotiations, I shall press for reform in the interests of farmers, consumers, taxpayers and the environment. They are, of course—

Mr. William Cash (Stone): Will the Minister give way?

Dr. Cunningham: No; I shall not give way at the moment.

There are many other important issues confronting British agriculture, both in Brussels and at home.

As everyone recognises, British farmers have been going through an especially difficult time, due principally to the strength of sterling and the continuing ban on the export of British beef. While acting within necessarily tight budgetary constraints, we continue to discuss these issues in partnership with farmers and their representatives, to ensure that the Government, wherever possible, can provide the best possible framework of policies to assist our farmers.

Mr. Cash: Will the Minister give way on that point?

Dr. Cunningham: No; I am not giving way to the hon. Gentleman.

I shall say something about changes that we can make while discussion about CAP reform continues.

Mr. Edward Leigh (Gainsborough): Will the right hon. Gentleman give way on the subject of exchange rates?

Dr. Cunningham: No; I am not giving way to the hon. Gentleman at the moment.

I know that specified risk material controls have had an especially heavy impact on the returns of our sheep farmers, and have caused them difficulties in the sale of cull ewes. Those difficulties have been brought to my attention by hon. Members on both sides of the House, including my right hon. Friend the Secretary of State for Wales, and I undertook to inquire into how we might help. As a result of the requirement for ewe carcases to be split in abattoirs or cutting plants, and the spinal cord removed, French demand for whole carcases has been taken up by producers in other countries.

Following those representations from Liberal Democrat Members and other individual Members of Parliament, I and my officials have discussed with the French authorities whether they would agree to changes in that trade, and I have decided, since they have agreed, to amend our SRM regulations so that our producers may regain a share of that market. It will be necessary to continue to ensure that spinal cord is removed from the carcases before the meat is sold, but, by agreement and negotiation, we have reached a deal whereby that can be done in designated French abattoirs.

Depending on the outcome of the statutory consultation, which I am obliged to undertake, with interested organisations on our proposals to amend SRM rules, it should be possible for exports of whole ewe carcases—by which I mean ewe carcases from which the head has been removed—to resume this summer. I know that that will be welcome news to sheep farmers throughout the United Kingdom. [HON. MEMBERS: "Hear, hear."]

I now discuss another aspect of negotiations, on an important measure—agrimonetary reform. An important negotiation we face now, and throughout the remainder of the year, concerns the new agrimonetary system needed to take account of the single currency. That will provide an opportunity to secure a more transparent system, less costly to taxpayers and consumers, and less complicated for business. At the same time, it will be important that the new arrangements are fair to all parties, whether or not their country is part of the single currency. We shall also want to ensure that the transition to the new arrangements avoids excessive shocks for farmers and others in related businesses.

In the meantime, at the April Agriculture Council meeting, we secured a continuation of the freeze, so that CAP payments will not, in the main, be affected by currency movements until the end of the year. I believe that that, too, is good news for our farmers, but, of course, there are difficult negotiations to conclude.

Mr. Leigh: Representations have been made to me, as a rural Member, about the strength of the pound, which is costing farmers £300 million a year. They have asked me to urge the Minister to press Brussels for the introduction of transitional compensation arrangements. Will he comment on that and reply to the National Farmers Union case on that point?

Dr. Cunningham: In so far as the hon. Gentleman is speaking about the transition to new agrimonetary arrangements, I have just mentioned them. I understand the justified concern of the hon. Gentleman's constituents and farmers. It is important that we get this matter right. As I have just assured the House, we shall do everything we possibly can in the negotiations to achieve that objective.

I shall now focus on the continuing problems caused to our livestock producers as a consequence of the BSE crisis and the beef ban. As we all know, that is a major issue for all our beef farmers, throughout the United Kingdom.

We have made an important breakthrough with the decision enabling beef to be exported from Northern Ireland under the export certified herds scheme. During

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April, the European Commission's inspectors visited Northern Ireland. Earlier this week, they informed the Standing Veterinary Committee that they were largely content with the arrangements that they had seen were in place in Northern Ireland. I understand that the Commission intends next Wednesday, 27 May, to adopt a decision that would allow exports of beef from the Province to resume from 1 June. [HON. MEMBERS: "Hear, hear."] That is excellent news for Northern Ireland farmers, and for the Northern Irish economy as a whole.

Mr. Richard Livsey (Brecon and Radnorshire): I wonder whether, in that context, the right hon. Gentleman would comment on his progress on the date-based scheme for beef cattle to be exported.

Dr. Cunningham: The next paragraph of my speech deals with that. The hon. Gentleman obviously has a reasonable crystal ball, as well as farm management expertise.

We have made good progress on negotiations on the date-based export scheme, which I recognise is of far greater significance to our farmers than the progress made in relation to Northern Ireland. However important it was to solve the Northern Ireland problem, the date-based scheme will apply to all animals born after 1 August 1996, and apply throughout the United Kingdom. The scheme would permit the export of meat from animals born after that date—the date from which we believe there was no risk from contaminated feed.

The scheme that we have proposed has strict rules, designed to take account of the only known source of infection after that date—maternal transmission—and we have proposed an offspring cull as part of the proposals. My officials and I have been working very, very closely with the Commission on this. As a result of our most recent negotiations, we expect a proposal on the lines that we have suggested to be tabled for discussion by the Commission very soon.

I would not want to mislead the House: subsequent negotiations on that proposal will not be easy—I have no illusions about that. We finally secured support for the Northern Ireland scheme by 11 votes to two, with two abstentions. I should be happy if we could repeat that outcome, but I believe that, this time, it may be more difficult. Nevertheless, we shall use all our endeavours to secure a positive result.

The scheme is soundly based and robust. It can be effectively managed. Our beef is more rigorously safeguarded than that produced anywhere else in the world. I am sure that our industrialists and farmers, and our meat industry, will do everything possible to comply with the scheme. They have suffered long and hard as a result of the BSE crisis and the export ban. I hope that the Government can count on the support of everyone in the beef industry, and in the House, in reaching the next important milestone in the lifting of the ban.

Mr. James Paice (South-East Cambridgeshire): I am sure that we all wish the Minister well in his efforts to get the date-based scheme into operation. On the assumption that he will sooner or later be successful, many farmers are asking whether it will lead to an unwinding of the over-30-months scheme as new cattle come into the frame.

Dr. Cunningham: The OTMS is an important safeguard, and is strongly supported by the Spongiform Encephalopathy Advisory Committee. One can see that, if the date-based scheme is accepted, it would seem logical that animals born after 1 August 1996 may not have to go into the OTMS. We may therefore see the beginning of the end of that scheme, but I stress "beginning". With the livestock sector as it is, animals will go into the OTMS for some considerable number of years.

Mr. David Maclean (Penrith and The Border): Will the Minister give way?

Dr. Cunningham: In a moment.

I want to make it clear that I would have to secure the agreement of the Commission and of SEAC before I could make any such change to the scheme.

Mr. John Swinney (North Tayside): I want to go back to the Minister's point about securing agreement on the date-based scheme among our European partners. What will be the principal obstacles to persuading representatives of other countries that the features of the scheme are as strong as possible?

Dr. Cunningham: I can answer the hon. Gentleman with a single word—politics. There is no valid case on the basis of medical or veterinary science for preventing support for the scheme. I have said that repeatedly, not only in the House, but in the Council of Ministers. We have gone to extraordinary lengths to fulfil our obligations under the Florence terms and to ensure that our beef is safe to eat. I reiterate my firm belief that there are no safety, health or veterinary science grounds on which the scheme should not be accepted.

Mr. Maclean *rose—*

Mr. Cash *rose—*

Dr. Cunningham: I will give way once more, to the right hon. Gentleman who is my constituency neighbour, but that is the lot.

Mr. Maclean: I am grateful to the right hon. Gentleman.

I listened carefully when the Minister said that there might be circumstances once the date-based scheme is up and running in which it might be possible to eat away at the OTMS. Will he consider specialist beef herds, such as dexters, Galloways and others, in which there have been no—or very few—cases of bovine spongiform encephalopathy? Perhaps they might be first in line.

Dr. Cunningham: The special arrangements of the beef assurance scheme are already there if producers want to take advantage of them. It was introduced by the previous Administration, and I am disappointed that there has not been a better take-up. I emphasise what I have

already said: the ending of the OTMS is not something I can simply do with a stroke of a pen, and I have properly qualified our ability to move forward on that.

We have made good progress in creating a computerised cattle tracing system for Great Britain. It will become operational in September and will record the birth, movements and death of all cattle moving into the national herd from late September. Holding details on cattle on a central database will provide swift and accurate information to help trace animals easily if there is a disease outbreak and it will give greater assurance to buyers and consumers about an animal's history.

The new system is an essential part of rebuilding confidence in British cattle and British beef, at home and abroad. We recognised that and began implementation as soon as we came to office. We took an early decision about the site for the new service that will run the cattle tracing system. That site is ready and the equipment has been delivered and installed. Some staff are engaged in test runs and more are being recruited, including a number of Welsh-speaking staff so that farmers from Wales may communicate effectively in their own language with the centre at Workington.

Over the next few months, there will be intensive testing of the new system before it is launched. We have already demonstrated the scheme with an audiovisual presentation to other European Agriculture Ministers at the recent informal Council in Northumberland. We were fortunate to host the Council and to be able to make the presentation.

The audiovisual presentation was followed by a practical demonstration at Park farm, Alnwick, of live animals being electronically tagged; then the food chain was followed right through to a meat counter that we had installed with the help of the Meat and Livestock Commission. That showed the absolute traceability of beef that was bar-coded, down to portions for sale in a butcher's shop or on supermarket shelves. It was an excellent bit of work, and I congratulate all involved, including staff of the Ministry of Agriculture, Don Curry, the chairman of the Meat and Livestock Commission, and, last but by no means least, Tim Mallen of Park farm, who showed unfailing courtesy and patience over months of visits from my staff and me to ensure that everything possible was being done to convince our European colleagues of the scheme's effectiveness.

Mrs. Ray Michie (Argyll and Bute): I welcome, as I am sure we all do, the fact that the headquarters at Workington will have Welsh-speaking staff to assist Welsh farmers. Will it also have Gaelic speakers to assist Gaelic-speaking farmers?

Dr. Cunningham: We will probably have a few Geordie speakers, too. I shall look into the possibility. In the interests of efficiency, of course, we would much prefer electronic communication with the centre, but we recognise that that is not yet possible for all farmers.

Let me turn to a more difficult issue, which, although not strictly speaking directly to do with CAP reform, has to do with management of MAFF. It relates to the Central Science Laboratory at York and Norwich.

The health and well-being of consumers and the protection of the environment are, as everyone knows, at the top of our agenda domestically, in the CAP reform negotiations and elsewhere. In Britain, the Central Science Laboratory, which is an integral part of MAFF, provides essential scientific and technical services in support of those objectives.

However, I inherited a very unsatisfactory financial situation. As the design of the CSL's new laboratory at York was approved, the Department's research and development budget has been reduced. The budget has also been subject to heavy and increasing demands from BSE-related research, an area in which the Central Science Laboratory is not involved. As a result, the modern facilities at York have been under-utilised. That was the set of circumstances which I inherited from the previous Government.

Against that difficult background, I have been reviewing the previous Government's decision that the CSL should continue to operate on two sites—principally the York site, but also a smaller presence at Norwich. In order to ensure a more secure future for the agency and a better return from the investment in the excellent facilities at York, I have decided, after long and detailed consideration, that the work done at CSL Norwich should be relocated to the York laboratory. The relocation will be completed during 1999.

Consolidation of the Central Science Laboratory at York will produce a unique and financially robust centre, with strengths throughout the food chain. It will improve the CSL's ability to compete for public and private sector work, and will strengthen its position as a world-class scientific facility. I know that this announcement will be as welcome in York as it will be unwelcome in Norwich.

Dr. Liam Fox (Woodspring): The Minister is making a statement.

Dr. Cunningham: If I did not announce the decision to the House, I would be criticised and there would be points of order because I had not faced hon. Members and made the announcement in the Chamber. I advise the Opposition to keep quiet and stop whingeing.

Mr. Cash: Will the right hon. Gentleman give way?

Dr. Cunningham: No. I am not giving way.

Mr. Cash *rose—*

Dr. Cunningham: I am not giving way.

Mr. Cash: On a point of order, Mr. Deputy Speaker. It is perfectly clear that the Minister is refusing to take any intervention from me. Is it not—

Mr. Deputy Speaker: Order. It is entirely a matter for the Minister from whom he takes interventions.

Dr. Cunningham: I hope that the hon. Gentleman is not complaining that I have not given way sufficiently during the debate.

I understand and respect the vigorous, sustained and continuing campaign of my hon. Friend the Member for Norwich, South (Mr. Clarke) on behalf of his constituents, and I pay full tribute to him for that. I have met him

[Dr. Cunningham]

several times on the subject, we have corresponded regularly, and my hon. Friend the Minister of State has answered innumerable questions from our hon. Friend.

I also understand the consequences of the decision—the upheaval for staff and their families. More welcome news was announced yesterday by the Government: the Institute for Food Research will relocate to Norwich, so that will be some compensation.

Mr. Charles Clarke (Norwich, South): I thank my right hon. Friend for his kind personal remarks. I pay tribute to the way in which he and my hon. Friend the Minister of State have tried to deal with the matter in an open way. However, the entire food science community will regret that shoddy decision, which will damage food science research in this country.

I acknowledge that it was an extremely difficult decision for the Minister, but I believe that it would have been better to wait for the establishment of the Food Standards Agency before taking such a destructive decision, particularly as it was taken for the bureaucratic reasons that he set out, to fill a laboratory that is a white elephant. As he said, it was an inherited—

Mr. Deputy Speaker: Order. That is far too long an intervention.

Mr. Charles Clarke *rose—*

Mr. Deputy Speaker: No, the hon. Gentleman should leave it there.

Dr. Cunningham: I understand my hon. Friend's strength of feeling on the subject, but it is certainly not a shoddy decision. It is a decision in the best interests of the long-term viability of the Central Science Laboratory, although I understand that it is controversial.

Mr. Hugh Bayley (City of York): The decision will be warmly welcomed in York. We already have a community of 1,500 bioscientists, who have a combined research spend of £80 million a year. Although the decision was difficult, it was the right decision for British science, MAFF and the farming community.

I, too, thank my right hon. Friend for the careful and patient way in which he has listened to arguments from me and from other hon. Members, including my hon. Friend the Member for Norwich, South (Mr. Clarke), and I hope that he will continue to listen carefully to the York case for building on the Sand Hutton site to allow additional work on novel foods, and a seedbed for small bioscience businesses.

Mr. Owen Paterson (North Shropshire): On a point of order, Mr. Deputy Speaker. We have three hours to debate the reform of the CAP, which is a matter of great interest to the constituents of Conservative Members, but the debate has degenerated into a private discussion among Labour Members about where a quango should be located.

Mr. Deputy Speaker: This afternoon's debate can cover a wide range of topics, and that is exactly what the Minister is doing. Points of order only take time out of the debate.

Dr. Cunningham: I am grateful, Mr. Deputy Speaker. The distinguished scientists at York, in a leading institution established by the previous Government, will take careful note of the derogatory description of them and their institution by the rather foolish and ill-informed hon. Gentleman who just introduced a bogus point of order.

I want to move on quickly—

Mr. John MacGregor (South Norfolk) *rose—*

Mr. Cash *rose—*

Dr. Cunningham: I am not giving way any more. *[Interruption.]* Opposition Members have just complained about shortage of—

Mr. Deputy Speaker: Order. The Minister has clearly said that he will not give way.

Dr. Cunningham: I shall move on quickly to farm health and safety issues, which I raise in discussions in Brussels as well as in the United Kingdom

Health and safety on the farm is an area where we must all work for major improvements. Everyone has a right to a safe working environment. We should devote more time to discussion of these matters, whether in the context of CAP reform or elsewhere, because of the appalling record.

I recently asked the Health and Safety Executive to brief me on the agricultural industry's safety record. I am deeply concerned that agriculture has one of the worst health and safety records—

Mr. James Gray (North Wiltshire): On a point of order, Mr. Deputy Speaker. The Minister has been speaking for some 40 minutes, and is moving on to a new subject that has nothing whatever to do with the subject that we are supposed to be debating.

Mr. Deputy Speaker: I have explained that the debate can range widely. I have also explained to hon. Members that points of order take time out of the debate. We have had far too many points of order.

Dr. Cunningham: I am grateful, Mr. Deputy Speaker.

The record shows that, since 1986, 620 people have been killed in farming, and thousands more have been seriously injured. I have made it clear that that is unacceptable and I welcomed the Health and Safety Executive's confirmation that safety in agriculture is now one of its highest priorities. The HSE outlined a range of measures that it is taking, which I welcomed. The Government have allocated the HSE an extra £4.5 million for 1998-99. The money is being targeted on inspection and enforcement, with agricultural safety a key priority.

I shall deal briefly with the amendments on the Order Paper, starting with that in the name of the Leader of the Opposition and his right hon. and hon. Friends.

My first observation is that the amendment is twice as long as the motion tabled by the Government. That tells us something about the verbosity of the Opposition. Secondly, it refers to farm incomes and the difficulties faced by farmers. We know that those difficulties did not

start on 1 May last year. We have no better authority for that statement than the right hon. Member for Fylde (Mr. Jack), who stated in his election address:

"I have fought for Fylde farmers during a very difficult time"—

the very difficult time being 18 years of Conservative government.

The amendment goes on to refer to rising unemployment in rural areas, when in fact unemployment is falling in rural areas, including the right hon. Gentleman's constituency. According to the Rural Development Commission figures, rural unemployment as a whole has fallen by almost 4 per cent. since July last year.

In the amendment, the Conservatives—as ever—complain about CAP reforms costing more money, yet they call for British taxpayers to pay more agrimonetary compensation. They call for reform of the CAP, yet oppose the extra short-term costs that that entails. They call for the Government to get the best from the reforms in European negotiations, yet the Conservative party is increasingly dominated by Eurosceptics who refuse to deal with anyone in Europe.

In view of the time, I can be much kinder about the amendment standing in the name of the Liberal Democrats.

We shall lead the debate in Europe through the Agenda 2000 reforms, so that our farmers are well placed to take advantage of the changes. Reform of the CAP to bring about a more market-oriented and environmentally positive policy is widely recognised by farmers as being in the industry's long-term interests. It is also in the interests of our rural communities and of the economy more widely. My aim is to help bring about such reform. It is the way to secure profitable, competitive and sustainable farming in the United Kingdom. I urge the House to support the Government motion, and to reject the Opposition amendment.

5.40 pm

Mr. Michael Jack (Fylde): I beg to move, as an amendment to the motion, to leave out from '(HC 719);' to end and add:

'albeit against the background of the Government's failed stewardship of British agriculture which has seen farm incomes plummet by 45 per cent, a rise in rural job losses, and a failure to utilise fully all the resources available to the Ministry of Agriculture, Fisheries and Food for the benefit of farmers; urges the Government to negotiate an outcome that works to the advantage of Britain's efficient farming industry as well as to the interests of United Kingdom producers, consumers and taxpayers, and of developing countries and to press for a reformed Common Agricultural Policy with substantially reduced overall costs, which does not act against farms larger than the European average, which is more economically rational, which reduces the bureaucratic burden on farmers, which provides a better framework for targeted environmental and rural development support, which contains fair and common rules to ensure that the United Kingdom's farm and food industries can exploit their competitive advantage in European and world markets, which facilitates the accession of associated countries and which offers the medium term prospect of benefits to developing countries; but regrets the fact that, so far in the discussions on Agenda 2000, the United Kingdom Government has not advanced proposals designed to allow Britain's farming industry to realize its full potential under the revised arrangements.'.

Hearing the Minister of Agriculture, Fisheries and Food come to life is a bit like watching his beloved Newcastle United: they only show any fire in the last five minutes of a game. I wish that the Minister's presentation had been a bit more lively at the beginning, because there are many issues that we wanted to raise with him. I welcome the Minister's opening remarks, particularly his comments about cull ewes which will be widely welcomed by those in the sheep trade. It is a matter of concern, and I congratulate the Minister on making a breakthrough in that area. I thank him also for at last having the candour to admit what the real timetable is likely to be for lifting the beef ban. I recall Labour's rhetoric during last year's election campaign about how it would lift the beef ban. Judging from the Minister's comments, that will take about two years—but at least farmers now know the true situation.

Mrs. Anne Campbell (Cambridge): Will the right hon. Gentleman give way?

Mr. Jack: No, not at this stage. I must make progress, because, unlike the Minister, I do not want to speak for 40 or 50 minutes.

The Minister's careful and measured tones throughout the majority of his speech could not hide the real crisis in British farming. We have seen a textbook exhibition of complacency on the part of the Minister in responding to the real concerns of farmers and growers in this country. I am delighted that the Minister has found time to come to the House after a year in office at least to discuss agriculture. It is a pity that some of his Ministers cannot find time to join me when I meet real farmers at the Devon county show tomorrow. Lord Donoughue is in Devon, but he refuses to meet farmers. We shall hear the true and authentic voice of British farming when we are out and about at the agricultural shows.

This debate will enable us to see in stark terms how hard the shoe is pinching in rural Britain as a result of the way in which the Government have conducted their stewardship of their farming responsibilities. The rural economy in this country is really suffering. For some who are listening to the debate, Agenda 2000 will seem a distant prospect because farmers and agribusinesses are going to the wall now. We shall say more about that later in the debate.

The debate will also give the House an opportunity to assess whether the Agenda 2000 proposals will allow Britain's efficient farmers to prosper in an ever more competitive world or merely do the minimum required to get the World Trade Organisation off our backs. As I said a moment ago, the harsh reality of farming today in this country—which the Minister did not want to talk about—is illustrated by the Ministry's own figures. Farm incomes fell last year by 45 per cent. and the value of farming output fell by £1.9 billion. The value of subsidies was down by £322 million, including the hill livestock compensatory allowances which are so vital to the Minister's farming constituents, and which were cut by £35 million. Farmers also know that price fixing for next year—consideration of which is part of the debate—offers them little prospect of additional help or relief.

Mrs. Campbell: Is it not true that current farm incomes are at about the same level as they were more than a decade ago in 1985–86? Can the right hon. Gentleman confirm those figures?

Mr. Jack: The hon. Lady should try convincing real farmers that that kind of retrospective analysis has any

[Mr. Jack]

relevance to their current situation. That is typical of Labour's lack of understanding, lack of sympathy and lack of appreciation of the real problems facing farmers. In any event, I think that the hon. Lady has cited cash figures rather than real figures.

As if that is not enough, farmers have had to face the endless uncertainty surrounding the lifting of the beef ban. The Minister has today removed a little of that uncertainty, but we clearly do not know what other member states will say. I have received letters from the Danish and German Ministers asking questions about the procedures that we have in place. I hope that they were convinced by the Minister's display. If it was as good as he says, let us hope that they will stop prevaricating, agree that we have met the Florence agreement terms and lift the beef ban once and for all.

Farmers have also faced the beef-on-the-bone ban this year. Perhaps the Minister should spend a little time reading *Farmers Weekly*. If he did, he would read how Rev. Ian Hall, the vicar of Eskdale in the Minister's constituency, describes that policy as a "pig's ear" and as "draconian". The Minister is condemned out of the mouths of his own constituents. What was his response?

Mr. Charles Kennedy (Ross, Skye and Inverness, West) *rose—*

Mr. Eric Martlew (Carlisle) *rose—*

Mr. Jack: I will not give way at the moment. The Minister's response to the problems of agriculture was to spend the equivalent of half the annual income of a Cumbrian hill farmer on an antique reproduction desk for his office. It is little wonder that another of the Minister's constituents, Joss Naylor of Bowderdale, told *Farmers Weekly* that the Minister

"has gone very wrong, like a lot of people when they get into a job like that . . . his heart is set on doing away with the little farms that have made the Lake District what it is today."

I am glad that my constituents are not saying that about me or any of my right hon. and hon. Friends.

Mr. Charles Kennedy: I am interested that the right hon. Gentleman has chosen to refer to the ban on beef on the bone. He will remember that when we debated that issue in the House, the Conservatives and the Liberal Democrats voted together. I am sure that he, like me, welcomes the initial outcome of the decision at Selkirk sheriff's court in the Scottish borders, which went against the case advanced by the Government—although the matter is still before the Court of Session in Edinburgh. If he does welcome that result, what is his view about the Scottish Tory party's claim that that case should not have gone to court in the first place?

Mr. Jack: The case did go to court, and the hon. Gentleman's remarks have shown clearly that the Minister is incapable even of doing the wrong thing correctly.

We have heard much about Labour's views on reform of the common agricultural policy. In its publication, "The CAP—Time for a Change", Labour said:

"the family farm structure of much of the industry and the role of farming in the rural areas . . . these factors together make farming deserving of special attention".

What kind of special attention have the Government given farming? If the Minister had spoken to any of the farmers who demonstrated at our ports or who marched in London, he would know that they believe that they have received sympathetic consideration whatsoever—and certainly no special treatment.

Anyone who heard the Minister's hard-nosed speech at the annual general meeting of the National Farmers Union will know exactly what I mean. It made a mockery of Labour's claim that things could only get better. The situation in farming has got considerably worse since 1 May. Family farms will be £20 a week worse off as a result of tax rises in the Budget—so much for special treatment for farmers.

Part of the crisis in British farming is a result—

Mr. Martlew: Will the right hon. Gentleman give way?

Mr. Jack: The hon. Gentleman should be patient; he is irritated because I am getting under his skin. He always interrupts me when we get to the truth of the matter.

Part of the problem is that the Government subcontracted the setting of interest rates to the Bank of England. The pound soared because rates were too high. There have been three green pound revaluations. That has cost farming £522 million, according to the NFU, and has encouraged a flood of imports that has kicked the floor out from under agricultural prices. That is what has caused the crisis in farming. What did we get from the Minister when farmers appealed for help? We got the usual mantra that no money was available because of the self-imposed public spending position and that agrimonetary compensation arrangements were not available to farmers.

Even on the last point, we found the Minister wanting. We analysed the MAFF annual report and, as verified by the Library of the House of Commons, clearly showed that he had underspent his budget last year by £139 million, and that he planned to underspend by £46 million this year. Before he gets to his feet, I should say that I accept the line of argument in his rebuttal that his Ministry is not sitting on a pile of money. In strict public expenditure terms, however, if he had had the real interests of farming at heart, in these exceptional times he would have used that as a bargaining chip in asking the Chief Secretary to the Treasury about using that money. Instead, British farmers' own money has gone back into the Treasury. The Minister does not have the courage to ask for it from the Treasury; if he had done so, he could have levered in £200 million of agrimonetary help to farmers, or provided special help schemes to see them through these difficult times.

Dr. John Cunningham: The right hon. Gentleman came out with that utter rubbish on 30 April during agriculture questions, and I immediately wrote to him. He is comparing estimated and forecast expenditure with outturn expenditure. He is a former Treasury Minister, so that says a lot about his failure to understand Government accounting. As he knows, there was no underspend in my departmental budget last year, and there is no planned underspend this year. His remarks are not only rubbish, but deeply misleading to farmers, and he should be ashamed of himself.

Mr. Jack: I am surprised that the Minister does not know the difference between a public spending total and

outturn, because that is what my figures are based on. I have checked them with the Library and I have talked to the Institute for Fiscal Studies.

Dr. Cunningham: Rubbish.

Mr. Jack: It is great to hear the Minister rubbishing the Library of the House of Commons and the IFS. I am sorry that he has contradicted them; I wanted to make sure that my facts were right, and he has proved that they were.

The Minister talked about agrimonetary arrangements. When he pays attention, I shall ask him two questions—the ones that farmers want answered. Will farmers be able to receive their payments in euros after 1 January? Will the Minister be more specific about what will happen at the end of the year, because if we do not save the current 11 per cent. shield on agrimonetary arrangements, farming will lose £400 million?

I asked *Farmers Weekly* whether there were any questions that farmers wanted to ask the Minister at this stage in our debate. Mr. Peter Hall, of Wrexham, asked:

"Why is it that in just 12 months of a Labour government, the confidence of farmers has declined so dramatically?"

That sums up the mood of farming. Mr. Rich, of St. Buryan, asked the Minister:

"Do you want us? If so, let us know your forward planning. If not . . . lie low."

Mr. Leslie Foss asked:

"What is the future for . . . young farmers?"

Mr. Ward, of Rotherham, asked whether the Minister would do anything to help lowland suckler herds. I could go on and on, but I shall send the Minister those searching questions. If the Government are the people's Government, the people's farmers deserve a reply from him.

The rural economy is suffering as a result of the Government's policies. For example, is the Minister proud of the findings of a report by the Welsh Institute of Rural Studies in Aberystwyth, which forecasts a loss of 5,000 rural jobs in Wales over the next decade? That is a rather odd statistic to discuss when the Government's welfare-to-work scheme is coming into play, but that is the situation in Wales, a key part of the United Kingdom which is dependent on agriculture.

The situation is similar in the rest of the country, and agricultural jobs are being lost. For example, there have been 23 redundancies at Ryehill Farm Services in Malton, Carter Agricultural in Norfolk has reduced its work force by 25 per cent., and the labour force at Lumeter Ltd. in Oldbury is down by 20 per cent. There are many more examples of where the shoe is pinching tightly as a result of the Government's stewardship of agriculture. My hon. Friend the Member for Meriden (Mrs. Spelman), if she catches your eye, Mr. Deputy Speaker, will give more information.

Mr. Alan W. Williams (East Carmarthen and Dinefwr): The right hon. Gentleman mentioned Wales and has dwelt on farmers' incomes. The leading article in last week's *Farmers Guardian* discusses the effect of the euro and is based on Barclays bank's suggestion that farmers should ask for payments to be made in euros and open accounts so that they can borrow at European interest rates of 3 or 3.5 per cent. Where does the Conservative party stand on the euro? In view of the comments of the Leader of the Opposition last Tuesday, are the Opposition in serious danger of being overtaken by events? All farmers will want us to join the single currency.

Mr. Jack: If the hon. Gentleman had been awake a few moments ago, he would have heard my question on that point.

Mr. Paterson: My right hon. Friend might like to reflect on the fact that, outside the Welsh Grand Committee, farmers booed the hon. Member for East Carmarthen and Dinefwr (Mr. Williams) when he tried to speak to them in public.

Mr. Jack: I thank my hon. Friend for that observation; I think that I have dealt with the matter.

I put to the Minister four key points on Agenda 2000 which deserve a reply: they are the acid test for the way in which we should consider it. First, will it make British farming more competitive? Secondly, will it avoid knock-on or distortive consequences? Thirdly, will it simplify bureaucratic procedures? Fourthly, will it leave farming profitable? An inevitable consequence of it is that agricultural decision making must become ever more market based, and the cost of the CAP must be reduced for Europe's taxpayers. In the past, we supported reform of the common market agricultural policy, and we favour fundamental reform now. It is ironic, however, that the Labour party backed reduced cost for the CAP in its pre-election rhetoric; the policy before the Council of Ministers is costed at more than the CAP.

The way in which Agenda 2000 has been introduced represents a lost opportunity for Europe fundamentally to rethink its agricultural policy. If it was interested in more competitive agriculture in Europe, there would not have been a proposal to put 1 per cent. of additional milk quota—as the Minister rightly reminded us—up the mountains and in the hands of some of Europe's least efficient dairy producers. There would have been a very different regime. There is no discussion in Agenda 2000 of the new agriculture, products and crops being pioneered in this country by organisations such as Anglian Industrial Crops. The current policy is being chipped away to make it friendly in the eyes of the WTO.

We strongly back the proposals in Agenda 2000 further to decouple support from production, while recognising that farmers have wider responsibilities as strategic food producers and environmental custodians of the countryside. Where will the measures be subjected to the greatest pressure? It is a pity that Ministers are engaging in conversation while we are asking relevant questions on behalf of farmers. I repeat the question. Where does the Minister think that the measures will come under the greatest pressure, either from within the EU or from the World Trade Organisation? Does he think that the current reform package, which tries to be all things to all men, is the best way in which to approach these crucial negotiations?

I welcome the Minister's commitment to defend the interests of Britain's more efficient and larger farms. I should like to examine his language in responding to the Select Committee on this issue. He said that he would seek to avoid conclusions that discriminated against the interests of UK agriculture. Why did he not employ more

[Mr. Jack]

vigorous language in his reply by committing the Government to negotiate with our partners to convince them that Agenda 2000 must not discriminate against efficient, larger farms, especially those in the United Kingdom?

Can the Minister give a cast-iron assurance that he will oppose ceilings that would reduce payments according to farm size? Will the continued existence of subsidies that are linked to production be acceptable to the WTO? Can he say more about his environmental requirements on cross-compliance, on the loss of income and on the factors that will have an impact on farmers who breach the cross-compliance requirements? What about national envelopes? Will he guarantee that all the money that is taken under the terms of national envelopes will be spent on United Kingdom farms, or will he do as he did with his underspend and simply return the money to the Treasury?

We need to know more about the Minister's flexibility under the new proposals. We should like to hear more about the operation of the new objective 3 rural policies. Will fewer people be covered by them? How will the Minister ensure that tenant farmers in new agri-based businesses will be able fully to take advantage of the new arrangements? Such farmers are a significant and important part of British farming, but, under the current law, their tenancy agreements prevent them from diversifying in the way that is suggested by Agenda 2000.

My right hon. and hon. Friends will highlight the problems of British agriculture and the challenges that it will face under Agenda 2000. They will highlight the fact that while the Minister has had stewardship of British agriculture, he has shown little sympathy or understanding for the real needs of Britain's farmers. It is only through the Opposition that their voice can truly be heard.

6.2 pm

Mr. Eric Martlew (Carlisle): I have spoken in many debates on agriculture but in none of them have there been more Labour Members than Conservatives. That shows the Government's interest in agriculture and suggests that Conservative Members have caught the early train home.

I congratulate my right hon. Friend the Minister of Agriculture, Fisheries and Food on the excellent job he has done over the past 12 months. He had a difficult job and took over from the worst Minister this century. He has been criticised by the right hon. Member for Fylde (Mr. Jack), who was a MAFF Minister in the previous Government. The right hon. Gentleman spoke about the ban on beef on the bone. During the statement on that ban, the right hon. Gentleman did not criticise it, and the leader of the Conservative party supported it. It was only when Conservatives thought that they could make a party political issue out of it that they opposed the ban, and that has happened again in this debate.

I shall not spend any more time speaking about Conservatives because some local issues have worried me over the years. One of them is the sale of green-top milk, which is raw and unpasteurised. It is said that people should be given the freedom to buy it, but I worked in the dairy industry for 20 years and I do not think that it is safe. The Government are putting the facts together, and if the scientific facts show that green-top milk should be banned, they should ban it. If that happens, there will be an outcry in the press, and the Opposition and perhaps some spin doctors will say that it should not be banned. However, if we are not careful there will be an outbreak resulting in fatalities. Outbreaks from such sources often affect the young, and I should not like to be here if a Labour Government put young people at risk.

Milk quotas were introduced because of a milk surplus in Europe, but that merely swapped one problem for another. Quotas were traded and no milk was involved. I am sorry that quotas will not be phased out much faster. To do that may mean reducing milk support to world levels, but it would be worth it, especially for British farmers who are probably the most efficient in Europe. Cumbria contains many efficient farmers, but they are not producing milk on the fells. It is nonsense to give extra quota to the mountainous areas of Europe. It should be given to places such as the Eden valley, Solway plain, Cheshire and the south-west.

I visited a local farmer at the end of March towards the end of the quota term. He had to stop good milk entering the system because he was over quota. He had a major problem, but he could not pour the surplus down the drain because, if he had, the Environment Agency would have chased him. We must get rid of quotas as soon as possible. I recently spent a weekend in Buttermere, which is probably one of the world's most beautiful places. It is in the constituency of my hon. Friend the Member for Workington (Mr. Campbell-Savours), as is Borrowdale. I first visited the area 30 years ago as a schoolboy. *[Interruption.]* Well, perhaps more than 30 years ago.

In that area, I noticed a difference in the landscape that was not due to tourism, because that is controlled by the Lake District planning board. The difference was not even the yellow lines on country roads. It was the effect of overgrazing on the fells. The system encourages farmers to put too many sheep on the hills, and that is destroying the habitat. When I was there, a gale was blowing and many of the old trees were being felled. However, there is no natural regeneration of the woodlands. They have gone because Europe pays farmers to produce more, although demand for beef and sheep meat is going down. We must quickly take action on that.

When major changes in agriculture occurred in New Zealand, marginal land was abandoned, but Britain will not accept such a policy because, to many of us, such land forms the most beautiful parts of our country. Therefore, we must have a system whereby we target money to those farmers, so that they continue to farm, but at a less intensive rate and we keep them in that area. We have to do that by specifically saying to them that we will help them to maintain the countryside and give them extra money.

Mr. Cynog Dafis (Ceredigion): In that case, does the hon. Gentleman agree that the line that is being pursued by the Government—that we need to reduce the number of people who farm in upland and mountainous areas—is exactly the wrong approach?

Mr. Martlew: That is a misinterpretation of what the Government are saying. There is a feeling that farmers who farm marginal land are not very well rewarded, which they never have been, and that we should perhaps encourage some of them to amalgamate and give them extra resources. What we should not do is force them off

the land. We should have a system whereby they can stay. However, we have a difficulty in giving taxpayers' money to farmers because we appear to give the money to all farmers. That creates resentment among the general public. Often, people see that farmers live in bigger houses, drive better cars and have greater capital assets than they do, yet they are expected to subsidise them, so we must specifically target farmers who have real problems.

Mr. John Hayes (South Holland and The Deepings): Will the hon. Gentleman give way?

Mr. Martlew: I am sorry. I have only 10 minutes. I am not going to give way.

Animal welfare is another issue which concerns me. As some hon. Members may remember, I introduced a Bill to ban the export of calves to Europe in veal crates. It was stopped by the previous Government, but then the trade was stopped by BSE, which was caused by them.

Animal welfare in this country is the best in Europe. I give credit to the previous Government. They brought in legislation that was far in advance of that anywhere else in Europe. We pressured Europe to improve conditions. I am sure that, under the ministry of the Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food, my hon. Friend the Member for Scunthorpe (Mr. Morley), that will continue, but we have to say to people that if we are paying billions of pounds of taxpayers' money to the CAP, we should make animal welfare a major priority.

I do not wish to say any more because many other hon. Members wish to speak, but I am pleased to say again that the Minister of Agriculture, Fisheries and Food has done a very good job, under difficult circumstances.

6.12 pm

Mr. Charles Kennedy (Ross, Skye and Inverness, West): Obviously, it is very difficult to follow a speech as savage as the one that has just been delivered, particularly the peroration. Therefore, I hope that the Minister of State, Ministry of Agriculture, Fisheries and Food will be—I am sure he will—robust enough to deal with constructive criticism that is not quite as overly wired-in and sycophantic as the remarks of the hon. Member for Carlisle (Mr. Martlew). It is very good that those remarks will appear in *Hansard*, because, if the hon. Member is seeking higher things in the Labour party, it will do him good to have that confirmation coming from occasional partners on certain constitutional issues on the Liberal Democrat Benches. [HON. MEMBERS: "Oh."] I think that that is an open secret; I do not think that there is much doubt about that.

The speech of the right hon. Member for Fylde (Mr. Jack) was disappointing; in a way, the Government got rather an easy ride from the so-called official Opposition—*[Interruption.]* I am glad that they have come to life. They did not come to life during the right hon. Gentleman's speech; it is nice that they have come to life during this one. It is none the less an important debate and it is timely for two reasons. First, there is a genuine crisis—crisis is a word which is much overused in politics by all of us—in agriculture throughout the UK. Secondly, the Minister of Agriculture, Fisheries and Food and the Government as a whole hold the presidency of the Council of Ministers.

It is a bit bizarre—it says a lot about this place—that more has not been said about the presidency. People have very short memories. When, a few months ago, the Prime Minister unveiled at Waterloo station, in all that glitzy, glamorous style of his, his headline objectives for the presidency, he singled out CAP reform as one of the principal objectives. Then, after the discussions with Chancellor Kohl and the German Government made it clear that, with the elections coming up in the autumn, which looked problematical then and look even more problematical now, they were not willing to countenance any significant or fundamental changes to the CAP before those elections, reform slipped drastically down the agenda.

That was a disappointment. We read in the newspapers about what European agriculture Ministers were eating, what they were going to see and what delights they were going to sample—I am sure that they had an excellent time when they were hosted by the Minister of Agriculture, Fisheries and Food—but we have heard precious little during or since last week about what was achieved in practical terms. I found it telling that the Minister had nothing whatever to say about that.

One would have thought that, in a round-robin debate highlighting CAP reform, the Minister would have been able to give the House more of an indication of the progress that had been made under his chairmanship during the six months. That speaks volumes for the Government's approach. The style is good, but the substance, when we begin to look at the detail, simply is not there. It is that detail which I want to deal with in my remarks on behalf of the Liberal Democrats.

The first detail—detail is perhaps the wrong term to use; let us say the first item—is the strength of currency. My hon. Friend the Member for North Cornwall (Mr. Tyler) made a speech to that effect in the House earlier this week. Without going through all the details of that again, there is not a shadow of doubt that the sheer strength of sterling is placing the most profound pressure on every section of manufacturing industry, and agriculture is a primary example.

It is extremely significant—I do not blame the Conservative spokesman for not wanting to delve into the issue—and pertinent that the NFU leadership has come out as unequivocally as it has in favour of a single European currency. It recognises two things: first, the way in which events are moving; it recognises that if that famous train is departing, it is better to be coupled to it than to be left on the platform. Secondly, the leadership hears what its constituents, its fee-paying members, are telling it at the grassroots: the strength of sterling at present is a massive disincentive to their agricultural efforts.

That is why we remain not just committed to the single European currency on principle, but frustrated that the Government are not seizing the golden opportunity that the presidency has given them to drive that event forward and to be in the driving seat. That would have been a major psychological and practical boost to farming incomes. Farming incomes in Wales are, I think, worse than those in any other part of the UK, but they are by no means the exception. They have been driven down over the past 12 months.

Reading the Conservative amendment, one would think that the world suddenly started at the stroke of midnight on, or into the early hours of, 1 May last year, and that

[Mr. Charles Kennedy]

all the policy initiatives that the Conservatives suddenly seem to favour and all the things that they are against were a road to Damascus conversion that happened some time on 1 and 2 May last year. Of course, that is not the case, and farmers, perhaps more than most sections of the community, tend to have long memories. They are traditional people and, often, several generations of the same family have managed the plot of land and business. They will not forget that many of the difficulties that are highlighted in the Conservative amendment, and replicated in the Liberal Democrat amendment, did not arise in the past 12 months. The root of them lies in the difficulties that attended farming during the previous Administration.

Mrs. Ray Michie: Does my hon. Friend think that the Minister really understands rural parts of Wales, for example, and the highlands and islands, where crofting and family farms undoubtedly sustain the economy, the population and the environment? We are not talking about amalgamations and agribusinesses. We need to keep people in such areas, and agriculture is one of the ways of achieving that.

Mr. Kennedy: I am grateful to my hon. Friend. Her intervention brings us to the heart of CAP reform. We should be trying to protect and promote the family farm, not just for reasons of sentiment but for reasons of sense. The Minister talks about restructuring agriculture. I remember Margaret Thatcher talking about restructuring coal, steel and various other industries in the 1980s. Restructuring is a very ominous term. My worry, which is shared widely outside the House, is that the Government's approach to Agenda 2000 and CAP reform is to restructure, as my hon. Friend the Member for Argyll and Bute (Mrs. Michie) rightly acknowledged, in a way that we do not want—into agribusiness and much bigger holdings, so that the family farm will be lost.

The Government have not given nearly enough sensitive thought or attention during their presidency to the fact that if we want more sustainability, more environmental responsibility and more active husbandry of the landscape, we need people to achieve it. Mr. Fischler can come out with the most amazing ideas, the Council of Ministers can modify them in the most brilliant ways, but if, in the interim, the Government's restructuring instincts bear fruit, we will not have the personnel to deliver the desired policy.

Mr. Swinney: Does the hon. Gentleman share my concern that there is a danger of two forms of restructuring: one due to the strength of sterling, which is forcing people out of the industry, and the other due to the fact that, potentially, we are sleepwalking into Agenda 2000, which favours larger holdings and forcing people off some of our most fragile land?

Mr. Kennedy: I am grateful to the hon. Gentleman for his intervention. He is absolutely right. His part of Perthshire, for example, is a classic example of an area that could be endangered in the longer term if we go blindly—sleepwalking is a very good way of putting it—into such a cul de sac. There is no viable option for many people in such areas short of some land-environment-conservation-husbandry role in the local community. The Government have not given sufficient sustained thought to that.

Mr. Jack *rose—*

Mr. Kennedy: Having been so critical of the right hon. Gentleman, it would be churlish not to give way to him.

Mr. Jack: May I ask a simple question? What is the Liberal Democrats' view of labour unit modulation?

Mr. Kennedy: That is at the heart of the matter, too. It was interesting what the Minister alluded to in his speech. If modulation is applied in the way in which it is being suggested at European level, it will be doubly damaging to UK farming interests because of the issue of size. I hope that we might hear a little more about the matter in the Minister of State's winding-up speech.

I noted that the Minister referred to the national application of modulation. I am not quite sure what he meant by that. If he meant what I hope he means, the phrase is encouraging. I hope that, as and when modulation is introduced, the Government intend there to be repatriation—that is a dirty word to use in politics due to the late Enoch Powell, but I use it in the best sense—of degrees of decision making. As the UK is evolving, with the Welsh assembly, the Scottish Parliament and, let us hope, a Northern Ireland assembly, I hope that discretion will be devolved to this member state to apply modulation sufficiently sympathetically and sensitively to UK agricultural interests.

Mr. Quentin Davies (Grantham and Stamford): Will the hon. Gentleman give way?

Mr. Kennedy: No, I will not—but it is very nice to see the hon. Gentleman.

I hope that the Government will take on board points made about modulation and that we are able to make common cause across the Floor of the House on it, because we recognise something of a east-west divide in Scotland, England and Wales over the issue.

We are considering a very difficult situation against the backdrop of CAP reform, and, perhaps, this debate has not so far addressed that. However, we would be wrong not to hold the Government to account or absolve them from responsibility for the extra costs that they are choosing to impose on agriculture. We know that there are already higher charges in the knackery sector. We know that there will be extra costs for pig and poultry farmers in order to comply with EU environmental and pollution legislation. Incidentally, such farmers do not receive EU support.

There are new costs for pig accommodation, new rules on calf accommodation, proposed tagging of sheep and pigs, proposed changes in standards for poultry, likely new EU groundwater directive supervision charges and unilateral rules imposed on specified risk material. Those are significant add-on costs to any business, but to impose them on agriculture during an agricultural recession is perverse.

The Government and the Liberal Democrats disagree in principle about the use of tax revenue. As they well know, we favour more largesse and, if necessary, more taxation

to provide it. None the less, we argue strongly that imposing additional charges on the farming community without introducing sufficient compensatory measures makes a very bad situation even worse. We urge the Government to reconsider.

The way forward on CAP reform generally and Agenda 2000 in particular must surely be towards family-farm based agriculture that conforms with the size of local communities and places greater emphasis on husbandry of local land. The deep dilemma for so many people in agriculture is that they are listening to a Government who are paying lip service to CAP reform, but talking about restructuring British agriculture. The net effect of their policy will be not only contradictory and self-defeating but utterly disastrous for the future of family farms, particularly in marginal parts. If the Government take any message from this debate it should be that, as they approach the end of a rather dispiriting and disappointing UK presidency, they should think afresh and think again.

6.28 pm

Mrs. Anne Campbell (Cambridge): I am very pleased to have the opportunity of speaking in this debate. I congratulate my right hon. Friend the Minister of Agriculture, Fisheries and Food on the progress that he has made in having the Northern Ireland beef ban lifted, and on the database scheme for all animals born after 1996 in the United Kingdom. Those developments represent huge progress, and belie the final remark made by the hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy) on the Government's performance in the European Union presidency.

Tremendous progress has been made, and I know that my right hon. Friend will continue to make such progress. Common agricultural policy reform is one of the Government's priorities, and I am pleased that it has the Government's backing.

Agenda 2000 is preparing the European Union for enlargement to the east, and to deal with pressure in the World Trade Organisation to liberalise European agriculture. Enlargement is desirable, and it is vital that the states of central and eastern Europe are brought into the European Union. If they are not, the likely result will be economic, political and, potentially, military instability.

Enlargement will bring two problems, the first of which is institutional design. There is growing criticism of using the same institutions to govern 20 or more member states as were used in governance of the original six member states.

Although the institutional issue has never really been comprehensively addressed, I think that the budgetary implications of enlargement are more immediate and urgent. Because of the Maastricht convergence criteria, the European Union budget will not expand significantly after enlargement, thereby putting pressure on the major item of European Union expenditure—the common agricultural policy.

I do not think that anyone would quarrel with the policy goals—which I have re-examined—incorporated into the treaty of Rome: a fair standard of living for farmers, reasonable prices for consumers, and creation and fostering of stable markets for agricultural commodities. However, the mechanism by which those goals were to be achieved is ineffective. It is certainly outdated.

The mechanism is essentially Commission central planning within a market structure. Wholesale price floors and ceilings have been established for a range of commodities. The European Union purchases intervention stock if the market price falls below the floor, and it pays export subsidies to producers when the market price rises above the ceiling. Although I am critical now of the mechanism, initially it was successful, and the sector moved into structural surplus in the 1970s.

The common agricultural policy transformed the European Community from a net importer to a net exporter, which was crucial to achieving the goals of European security and economic recovery. However, by the end of 1990, despite the export subsidy regime, there were 14.4 million tonnes of cereals, 600,000 tonnes of dairy produce and 530,000 tonnes of beef in public intervention storage. Spending on the CAP doubled in real terms between the mid-1970s the mid-1980s. Even the extra expenditure was not sufficient to control the overproduction that was inherent within the system.

Market price support is a highly inefficient way for Governments to give aid to a sector of the economy. Such support requires, among other things, very large and unpredictable levels of Government expenditure, while offering no way of ensuring that the most needy farmers receive the most subsidy. I hope that, in our presidency of the European Union, we will address that issue, which is one of the most important principles of social justice.

Mr. Peter Atkinson (Hexham): Will the hon. Lady give way?

Mrs. Campbell: I am not giving way, as I have only 10 minutes and should like to put as much as I can into them.

The common agricultural policy isolates producers from the market, providing a financial incentive simply to produce the maximum possible quantity, as producers know that anything that cannot be sold on the market will be purchased by the European Union. The very good brief that we have had from Compassion in World Farming states that that organisation feels that it is unacceptable to incentivise livestock overproduction, and then either to slaughter or export that livestock to limit the effect of that surplus. I could not agree more.

The CAP also raises many environmental concerns. Maximum-quantity production entails the use of large amounts of fertilisers and fungicides—chemicals to reduce plant growth, and sprays to reduce disease—which have potentially harmful effects on local water supplies and the food chain.

Soil erosion is becoming a serious problem. My hon. Friend the Member for Carlisle (Mr. Martlew) mentioned the problem when he was describing the overgrazing problem in high areas near his constituency. Soil erosion occurs also in lower areas. I well remember that—during the general election campaign, when I was driving to help my hon. Friend the Member for Norwich, South (Mr. Clarke)—I saw soil blowing off the fields because of soil erosion caused by intensive farming practices. The soil blown off fields ends up as silt in rivers and streams, which is a major cause of flood damage—an issue to which I have drawn the House's attention on a number of occasions.

Price support creates artificially high food prices in Europe, and depresses world food prices, as the export subsidy allows European Union produce to be sold below

[Mrs. Campbell]

the world price. Price support makes life very difficult for farmers in developing countries, who cannot sell their output at a fair price.

The common agricultural policy is also deeply untransparent in its financial dealings. Through price support, it makes a large resource transfer from EU consumers to producers. If its revenue were raised through direct taxation rather than high food prices, there would be huge public dissatisfaction with current policy.

The 1992 MacSharry reforms were introduced to strengthen the European Union's hand in the Uruguay round of the general agreement on tariffs and trade, trying to create a shift from price support to direct payments to farmers. Intervention prices were cut, and removed altogether for some commodities.

The reforms had some very minor effects. Arable farms were subjected to rotation or set-aside, for example, although we discovered subsequently that the practice may encourage more intensive farming methods on fields. That reform has not been successful in reducing production.

Labour reduction on farms was achieved by introducing favourable early retirement terms, thereby reducing the number of people working in the industry. Additionally, environmental guidance was given, although I feel sure that it could be strengthened.

The 1992 reforms had some successes. However, I think that the Agenda 2000 proposals will attempt to deal more radically with the structural problems in the European Union—although perhaps not as radically as many Labour Members would like. I certainly encourage the Government to continue to press, within the European Union, not only for more radical reform than is currently on the table but for the much-needed structural change—decried by the hon. Member for Ross, Skye and Inverness, West—that is so badly needed if we are to provide more and better support for the most needy farmers, and not necessarily for big agribusinesses.

6.38 pm

Mr. David Curry (Skipton and Ripon): I am tempted to begin by recommending to the Government that they take a firm stand against any type of common agricultural policy reform, on the ground that most reformed CAP systems cost more than their predecessors. I recommended to the previous Government that they take that unique stand in their general election manifesto. Although I was not successful in getting that suggestion accepted, history may show that there may have been a grain of truth in the idea.

Even if we were to take the stand that I suggested, we would be in a wholly untenable position, as two great juggernauts are bearing down on the CAP. The first one is enlargement, with which Agenda 2000 attempts to deal. The key element in enlargement is Poland. In determining the future shape of agriculture in Europe, Poland is more important than all the other countries put together.

The second, and more important and inescapable development, is the Singapore round of the general agreement on tariffs and trade, or the World Trade Organisation. It is important to realise the extent to which the decisions that we shall have to make in that round have already been conditioned by the decisions that we made in the previous round. The framework has already been set by those decisions.

If the European Union wants to attack world markets and be free to take advantage of, for example, consumer opportunities in south-east Asia and of the productivity gains that remorselessly occur in agriculture—whether or not they are convenient—it must free itself from its dependence on export subsidy. While the EU is dependent on export subsidy, it is locked into having fixed quantities to put on the world market. We effectively have no choice if we want our agriculture to look outwards, towards an international competitive environment.

Of course, farmers will react differently. There will inevitably be a generation gap in agriculture. For some in the dairy industry, particularly elderly farmers who are locked into farm tenancies in difficult areas, the milk quota is their pension. They would be reluctant for quotas to disappear because that is the only pension to which they can aspire. Their sons might well consider the milk quota an imprisonment that prevents them from getting more productivity out of their farm. They may face having to de-intensify and produce less because of the cost problems of having to hire extra staff.

An important third force, which is just as powerful and must be understood, is consumer demand and what the marketplace is asking for within our shores. The demands for traceability, farm assurance, better welfare standards, health undertakings and environmental protection and conservation represent, initially, costs to the farmer; but they are also conditions that he must meet so that the marketplace is willing to take, and will be satisfied with, his product.

Farmers may rail, as I know they do from time to time, at what they see as the iniquities of Tesco and Sainsbury's, but that is futile because the supermarkets are at the cutting edge of consumer demand. They provide one of the major outlets for farmers, and it is in farmers' long-term interests to work alongside the supermarkets and produce what they require.

It is interesting that, in the present circumstances, those pressures come together in a series of outcomes to reform. A move to direct aid divorced from production is, first, the essential policy underlying Agenda 2000. Secondly, it is the key formulation required to achieve a successful outcome in the World Trade Organisation. Thirdly, it is the outcome which most commends itself to environmental and consumer interests. For once, we have the opportunity to square the circle—or, at least, the triangle—by having a method of sustaining agriculture that meets with the approval of consumers and taxpayers, conforms with the requirements of GATT and opens the way for the enlargement of the Community and the eastward extension of the liberal society, which is what almost every hon. Member desires.

We need to work out the scenarios by which we can achieve an effective construct of non-production aids. We have a great deal of experience with relatively small-scale schemes, such as the environmentally sensitive areas and countryside stewardship. I know that in Wales there are schemes that work very effectively. We need a codification or a menu of those schemes, so that, before we take part in the GATT talks and consider the outcomes, we have an idea of the offers that we will be able to put before farmers. That might help us to come

out of the GATT round with a clear idea of how to use those schemes constructively. That is a proposal which the Select Committee could consider, but it will not be easy.

In the Yorkshire dales, in my constituency, it is obvious that we would want to preserve environmental assets such as stone walls, barn roofs, meadows and woodlands—and in Somerset, the water meadows—but it is less obvious in Cambridgeshire and parts of East Anglia. It is important to begin setting out what environmental aid farmers would be eligible for as we move towards greater dependence on that aid and away from production aid.

I am not an enthusiast for cross-compliance because it is too linked to output, and the two should be divorced. However, I understand that it has attractions as a transitional instrument.

There are implications for reform, and on that point I agree with the hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy). We shall inevitably see the development of more corporate agriculture, which, with the demand for agricultural investment, the possibility of expansion, the pressures on costs—including labour costs—and inputs, and the requirements to conform to quality standards, represents a push towards greater size in agriculture.

That development is occurring in the dairy sector, where about 11,000 producers now account for well over 50 per cent. of output, and in pig production, where 80 per cent. of pig meat is produced by 2,000 mainland British producers out of 10,000. It can also be seen in the continuing change in the arable sector: when a farm comes up for sale, the land is sold to the neighbouring farmer and the household to an individual.

Conversely, an expansion of part-time farming is also likely. That trend is already occurring on farms where the income depends on a second source that is not identified with production. We need to sustain and support such agriculture. Agriculture should not be viewed as an activity unto itself, divorced from the wider needs of the rural economy, or as a religious practice, separate from the wider rural community.

The long-term future must depend on market orientation for agricultural output and, therefore, the ability of farmers to bid into programmes. I would not object if we experimented with competitive programmes to deliver environmental and other assets. Indeed, I should be interested to examine—I know that this idea is being discussed in Wales—the possibility of developing social assets, such as farmers' employment and housing, to be capable of being delivered or safeguarded as part of the wider reform of agriculture. I wanted to focus on the long term because I thought that much of the debate would necessarily focus on the immediate concerns.

In the short term, we need for agriculture, as for much of business, a clear path to the single currency set out by the Government. We have a pound that is too high and volatile. We have five tests set by the Chancellor—only one matters, but getting five ducks in a row is not possible for anybody at any time. We have an uneasy triangle between the Prime Minister, the Chancellor and Mr. Murdoch. We have doubts over the period of exchange rate stability before we are eligible to join a single currency.

We desperately need clarification and an indication to the market of the Government's intentions, because the market takes note and deals with the currency in the light of those. At the moment, the market does not know what intentions to attribute to the Government. That is a major problem for everybody in the United Kingdom, and farmers suffer most immediately because of the green pound effects. Change is inescapable, but the present coruscating crisis can be alleviated only by the Government accepting their responsibilities.

6.48 pm

Mr. Paul Marsden (Shrewsbury and Atcham): When I read the official Opposition's amendment to the motion, I wondered who had written it because it is misleading and full of errors. I then listened to the right hon. Member for Fylde (Mr. Jack) and realised that he must have had a hand in it because his tub-thumping speech—which was completely devoid of reality—was meant simply to rouse farmers and farming communities by rhetoric, not fact.

I was also amazed at the Opposition's proclamation that the common agricultural policy should be brought under stricter financial control. I agree with that, but I found it a little strange coming from the right hon. Member for Fylde, because, over the 18 years of Tory Government, the UK contribution to the CAP rose by 79 per cent., which meant a net outflow of £2.1 billion from this country. Obviously the right hon. Gentleman has a short memory. I hope that my hon. Friend the Minister can start correcting some of the horrendous mistakes in those finances that date from the Tory past.

Under Agenda 2000, I shall focus on the plight of the rural areas. That, too, has been caused by the Tory Government. Rural areas have been left with 29 per cent. of parishes not having a village hall, while 43 per cent. have no post office. Under the Tory Government, who withdrew investment from local authorities and did not care, post offices, shops and schools closed, and the bus route network collapsed. The Labour Government are now trying to turn that situation round, and I urge the Minister to continue with his endeavours towards an integrated rural policy within Agenda 2000.

Mr. John Hayes (South Holland and The Deepings): Will the hon. Gentleman give way?

Mr. Marsden: No, I would like to make some headway first.

As things stand, only about 4 per cent. of the budget proposed under Agenda 2000 will go towards rural development. That is not good enough. We must take a more holistic approach to rural development, and include social, economic and environmental factors as well as agricultural factors. That is vital if our rural communities are to survive.

I make a special plea for greater investment. I welcomed the news in the Budget that there would be £50 million for rural transport, and I hope that we can find even more money for that purpose, because access, especially to jobs, is so important for young people. They can be stranded in rural areas, with few job opportunities. I welcome, too, the Government's ventures into IT, and their attempts to open some of the village halls and provide more facilities for young people in rural areas.

Mr. Hayes: I agree with much of what the hon. Gentleman is saying about the need for an integrated rural policy, but how does he square that idea with the savage

[Mr. Hayes]

cuts to shire counties in the local government settlement? The settlement does not even enable the shires to maintain their level of services in rural areas, let alone to improve them as the hon. Gentleman suggests.

Mr. Marsden: Absolutely, and the answer is simple: it was the Tory party that saddled the Government with the spending plans by which we had to abide. We agreed at the election that we would abide by those plans, so the fault lies fairly and squarely with the Tory Government. *[Interruption.]* They are your spending plans.

Mr. Peter Bradley (The Wrekin): I make no secret of the fact that this year Shropshire, the county that my hon. Friend and I have the honour to represent, did not get the deal that we hope it will get next year. However, Shropshire's problem is the fact that this year's settlement came on top of four successive years of settlements under the previous Government, and the cumulative impact was a bridge too far for the county.

Is my hon. Friend aware that because of the Tory Government's deregulation of buses, 86 per cent. of parishes in rural Shropshire have no daily service? Fortunately, the Government are providing £700,000 for Shropshire's transport system to be improved, but, until we can reconnect people to employment, to schools, to health care, to training—[HON. MEMBERS: "Speech."]—to family, to friends and to shopping, we shall get nowhere in the rural areas.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. Interventions must be brief.

Mr. Marsden: I thank my hon. Friend for that interesting—[HON. MEMBERS: "Speech"]—set of points. I concur with what he said. Over the past five or six years, Shropshire has suffered cuts of about £40 million, thanks to the Conservative Government, and the sort of damage that that inflicted in terms of schools closing—

Mr. Owen Paterson (North Shropshire): Will the hon. Gentleman give way?

Mr. Christopher Gill (Ludlow) *rose—*

Mr. Marsden: I have already given way. Time is short and I wish to press on now.

The Government have taken the right approach and I support their actions. They have new-found respect in Europe and are making great headway. In his absence, I put it to the right hon. Member for Fylde that, when he asks when the beef ban will be lifted, I remember the former Prime Minister, the right hon. Member for Huntingdon (Mr. Major) saying that it would be lifted six months after it was first imposed—in November 1996, I believe. I put the question straight back to the right hon. Member for Fylde: his right hon. Friend missed that deadline, did he not?

Labour Members firmly believe that the beef ban will be lifted. It is encouraging that it is to be lifted in Northern Ireland, and we now have a date that we can look forward to when exports from there will be allowed. I welcome the development of the cattle tracing system, the organic aid scheme, and improvements to animal welfare. Those are just some of the things that the Government have achieved in 12 short months, despite having had to pick up so many of the pieces left by the previous Government. I am confident that my constituents will bear with us while we continue to sort out the mess that we inherited.

I emphasise the need for a Ministry for rural affairs. We need a Department at Cabinet level that can adopt an integrated approach to rural affairs, which must embrace the socio-economic and environmental aspects as well as the agricultural aspects. It is important that those are all dealt with together, and rural communities will then have a clear focus and support at Cabinet level.

The Government have made great strides, and it is a bit rich when we hear from the Opposition Benches—

Mr. Paterson *rose—*

Mr. Marsden: I shall not give way, because my time is almost up.

It is a bit rich when Conservative Members try to seize the rural areas as their own. Rural areas do not belong to the Conservative Party; they did not at the general election, when far more Labour Members than Conservatives were returned for rural areas, and people clearly saw through the hypocrisy of the Tories' words.

We focus on the issues of health and education and on the importance of agriculture in those areas. That is what people want to hear, and that is what we shall deliver. Through my hon. Friend the Minister, we have made great progress in tackling CAP reform, and we are delivering on our promises—unlike the Tory Government, who repeatedly broke theirs.

6.57 pm

Mr. Peter Luff (Mid-Worcestershire): As Chairman of the Agriculture Committee, I am tempted to respond to the words of the hon. Member for Shrewsbury and Atcham (Mr. Marsden) in a slightly more partisan way than I probably should. The hon. Gentleman is a fine Member of the Select Committee and I agreed with much of what he said. However, I have to say that this year's local government settlement really rigged things against the shire counties, for which Worcestershire is paying a heavy price.

I am sorry that there is so little time for the debate today. There will be time for only about eight Back-Bench contributions in what is probably one of the most important debates on agricultural issues that the House can have. It is also one of the most important debates in connection with the build-up to enlargement of the European Union, so it is a matter of regret that those on the Front Benches on both sides of the House agreed to allow only three hours for it. I hope that the usual channels will be able to arrange for another debate on agricultural issues to be held in the near future, to give the many Members on both sides of the House who would have liked to speak a chance to contribute on this important subject.

It is difficult to discuss reform of the common agricultural policy at a time when farm incomes have fallen so sharply. Inevitably, that will make farmers more nervous about the consequences of such reform. However,

the House needs to send out a clear message that there is very broad cross-party consensus about the need for CAP reform, and also about the general shape of the reform needed.

No wonder farmers are concerned. My right hon. Friend the Member for Fylde (Mr. Jack) has kindly shown me some of the questions sent to him by the readers of *Farmers Weekly*. Concern has been expressed by Mr. David Steed, from near Ramsgate, about the future of small farms; Mr. Robinson of Willow lodge, West Dereham, King's Lynn, has written about the possibility of a level playing field within the common agricultural policy. I understand and respect those concerns, but I think that we must press ahead with reform.

The Select Committee produced a report on CAP reform on 25 February. I am grateful to the Government for mentioning it in their motion and, indeed, for their response to it—there was no point of disagreement between the Committee and the Government, which is encouraging. It is also encouraging that the Committee was itself unanimous, despite comprising a broad range of views of European matters. The report said:

"The CAP, and its disproportionate spending, disfigures and discredits the European Union, turning an effort to build unity into unseemly horse-trading dominated by entrenched national and sectoral interests. The time has come for Europe to think radically and bring agriculture into the changed world. If the countries of Europe try to resist, they will be deluding themselves. The international pressure for freer trade and the consequences of enlargement are both irresistible."

I am grateful to members of the Select Committee for their hard work, and to our advisers, Professor Alan Buckwell of Wye college and Professor Alan Swinbank of Reading university. I think that our report made an important contribution to the debate on CAP reform.

The Committee made three background points in its report. First, we were concerned that the Government and their predecessor did not have a sufficiently clear strategy or vision for the future of United Kingdom agriculture, which inhibited their ability to negotiate effectively in the UK's interests. Secondly, we were deeply concerned that the Agenda 2000 proposals would increase, not reduce, CAP expenditure—we found that unacceptable. Thirdly, we found the Commission's outline proposals very timid. We felt that it should have taken a much more positive lead, forcing the Agriculture Council—which meets next week under the United Kingdom's presidency—to grasp more forcefully the nettle of CAP reform.

As my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) said, the EU faces two huge challenges on CAP that cannot be ducked, no matter how much our colleagues on the mainland of Europe think that they can be. The first is the World Trade Organisation negotiations on agriculture, which are due to begin next year. The Commission's proposals are an inadequate basis for those discussions. The United States and the Cairns group will seize the moral high ground, whereas the Commission's proposals will give us little more than a base camp in the foothills.

Secondly, the proposals do nothing to deal with the problem of enlargement. How can there be two separate regimes for agriculture in a single market? There cannot possibly be two separate milk quota regimes, for example. Do we really believe that milk quotas can be imposed on Poland when Italy, as it freely acknowledges, found it very difficult to enforce them? The idea that the proposals will do anything to assist enlargement will, I fear, prove to be folly.

Mr. Hayes: Will my hon. Friend give way?

Mr. Luff: I should love to give way, but, as I have only 10 minutes, I do not have time, for which I apologise—I wish that we had more time for this debate.

I draw the attention of the House to some of the Committee's main recommendations. Direct compensatory payments are made to compensate farmers for reduced levels of price support, so we feel that, by definition, they cannot be permanent. They must be used to help farmers to adjust to new circumstances. Moreover, they must be time-limited and decrease over time—they must be, to use an ugly word, degressive. They must also be fully decoupled—they must provide no incentive to increase production.

The term modulation causes much confusion. In fact, two types of modulation are under discussion—differentiation and ceilings. I see the attraction of differentiation—varying the amount paid on the basis of a farm's characteristics—but, as we see no long-term role for the payments, we do not believe that that is the right way in which to deal with the concerns about the interests of smaller farms, for example. We believe that separate policy instruments are needed to deal with those concerns.

Similarly, what is the point of cross-compliance on environmental conditions to payments if the payments are to be stopped? If they are not to be stopped, we believe that conditions should be attached provided that they are satisfactory and can be imposed without requiring a huge new bureaucracy in the CAP. Better still, let us get rid of the payments.

The other form of modulation is the imposition of ceilings to limit payments to a farm. I think that that would have very adverse consequences for UK farmers, so I hope that the Government will strongly oppose the proposal, as they said they would.

I had hoped to speak in some detail about the individual commodity sectors, but I do not have time. I am grateful to the Government for agreeing with the Committee's views on the arable sector, on which the Commission proposes only partial decoupling, which does not go far enough, although it is a welcome step in the right direction.

I am also grateful for the Government's endorsement of the Committee's views on beef, but I draw the attention of the House to our third report, in which we highlighted the need for restructuring—another ugly word—the domestic beef sector, but only as part of EU-wide restructuring. There is no doubt that the British beef industry is taking too much of the pain of the necessary restructuring across Europe—we must ensure that that does not continue. There is overproduction in Europe, so Europe as a whole, not only this country, must face the consequences of that. That must be one of the Government's major negotiating objectives in the debate on Agenda 2000.

On dairy farming, the Committee believes that the Government are right to seek the abolition of milk quotas—we hope that that will be one of their principal objectives in the negotiations. I am glad that the Government are making progress in building a coalition

[Mr. Luff]

of support for that proposal, including countries such as Italy, which was previously opposed to the abolition of quotas. Abolition will create problems for UK farmers; as has been said, quotas are the major capital asset of too many farmers. Currently, British farmers are producing milk close to world market prices, but they cannot produce as much as they want to; they have the worst of both worlds—low prices and lower production than they can manage. I hope that the Government succeed in ensuring that something is done.

I also hope that the Government are successful in their proposals to reform the tobacco regime, although I suspect that that will be a difficult objective, especially when it comes to building coalitions to secure our other objectives.

The future of the CAP clearly lies in agri-environmental and rural policy. It is a matter of great regret that Agenda 2000 is based not in rural policy proposals, but in agri-rural proposals, so to speak—it does not deal with the wider rural dimension. I hope that the Government will do something to correct that shortcoming. That is why, in the next stage of its examination of Agenda 2000, the Select Committee will consider rural development in detail. As the hon. Member for Shrewsbury and Atcham said, rural development will be one of the key components of the CAP in the future—which, incidentally, is a good reason for giving the Ministry of Agriculture, Fisheries and Food a wider remit than agriculture alone, as MAFF Ministers will have to negotiate rural policy in the years ahead.

On CAP and the consumer, the Committee found it unacceptable that the Commission had failed to provide any estimate of the benefits that could accrue to consumers from reform—that was an extraordinary omission. It was left to the UK Government to make the assessment. They noted that, if lower market prices fed through to the consumer, there could be savings to consumers of up to £1 billion a year in the UK alone, and of up to 10 billion ecu—£6.77 billion—across Europe. I hope that the Government will keep the consumer firmly in mind. As my right hon. Friend the Member for Skipton and Ripon said, all interests, including the consumers, march together on this.

CAP reform holds the key to prosperous rural economies, EU enlargement and freer world trade. Much rides on it, and the whole House must wish the Minister every success in the negotiations.

7.7 pm

Mr. Mark Todd (South Derbyshire): I shall focus on the longer-term future of the UK's agriculture industries, but first I make an assumption: because of the changes imposed through the next World Trade Organisation round, the increasing ideological bias against market intervention, and declining consumer and taxpayer tolerance, I believe that, within a dozen years, British agriculture will have no—or almost no—production-based subsidies or quotas from either United Kingdom or European sources. Any support will have to be based on other public policy criteria—care for the environment, higher standards of animal welfare than the global market demands, or employment and rural development goals.

Given the varied nature of UK agriculture, its future will be diverse. In mapping our futures, we need to understand the present, but we badly neglect research on it. We need a proper understanding of the strengths and weaknesses of our agricultural economy. I compliment the National Farmers Union on its initial report on the competitiveness of the UK farming sector, but much more needs to be done.

We must answer questions such as in what sectors we are already competitive in continental and global terms, and how those strengths and weaknesses are evidenced in our regional economies. We need far stronger research on how our food chain industries fit together to produce a competitive economy for the export sector.

Mr. David Drew (Stroud): Does my hon. Friend agree that one of the ways in which farmers can achieve success is by the localisation of supply, especially through the consequent reduction in transport costs, but also through initiatives such as organic farming? Could British agriculture get back on the world stage in that way?

Mr. Todd: Yes, I agree entirely.

Some sectors, such as horticulture, poultry and pigs—industries which are substantial contributors to the South Derbyshire economy—already compete without support. We have heard tales of gloom and woe, and I do not doubt their truth, but we should also talk about our successes: industries that thrive and prosper in a competitive market.

Some larger producers in the protected sectors could survive without protection. Smaller producers and those in less-favoured areas will face the prospect of radical change, towards niche production, in which quality and added value are critical, volume is less important and extensive methods are viable; environmental maintenance and protection; merger with larger, more competitive producers; diversification into other compatible industries; supported departure from the land, with the land returning to a managed nature; or a combination of those.

Government should ensure that our farming communities have genuine choices. We need to identify the role of Government in the process. In most industries, restructuring would be driven by the market alone, but the historical role of the United Kingdom Government before the common agricultural policy and the European Union came on to the scene, distorting the market and managing much of our agricultural decision making, means that there is a legitimate demand for Government assistance for change.

That assistance can be won only if there is a clear strategy, a clear methodology for implementing it, and an exit point for Government, leaving its role confined to the public policy objective that I set out earlier. Government assistance can then focus on transitional support and initial risk sharing; skills development; international marketing assistance to regain markets that we may have lost; ensuring that public policy concerns do not impinge unduly on competitiveness; and backing all that up with appropriate research.

That is all made far more challenging by our obligation to act in step with our European partners, but that is not an excuse for failure to progress the agenda. We can persuade others only when we are clear about our own goals and strategies, and we can negotiate competently

only within a coherent, long-term policy framework, which we currently lack. Our farming policies are, understandably, too much driven by short-term crisis management, and, less justifiably, by a peculiar British delight in the beauties of bureaucracy.

Dr. Ian Gibson (Norwich, North): Does my hon. Friend agree that the new genetic technologies give us a great opportunity to produce good-quality foods, with good regulation? If we do not do that on a European basis, the Americans will be well ahead of the game, so European co-operation and CAP reform are very much part of producing new quality food.

Mr. Todd: I agree entirely.

We must concentrate on reform of the CAP on the basis that I have set out. The EU reforms are extremely disappointing and limited: tariff measures remain; there is a substantially increased role for national determination that may lead to inconsistency in the implementation of the measures in individual member states; compensation for price cuts appears to have no time limit or phase-out; continued price support and quotas are inconsistent with likely World Trade Organisation directions; capping may work against the most market-oriented producers and discourage farm mergers; further complexities have been added to an already arcane and bureaucratic system; milk quota increases are targeted at the most marginal producers or new entrants; and continued bureaucratic intervention stifles innovation in a sector that desperately needs it.

There has been useful recognition of environmental obligations, rural development goals and job creation measures, but it is predictable that we will fail in the WTO round to occupy an area that we can defend adequately.

It would have been far better to have a range of agri-environmental and rural development measures that were accessible to some degree to most, if not all, farmers; a focus on area payments rather than price supports or quotas; much more active support for diversification, training and early retirement, perhaps with subsidised insurance and marketing support to aid transition; and an identification of the best in European agriculture, using policy tools to support the transition to a free market. Instead, some reforms foster the least efficient forms of farming. It seems likely that the reforms will have a short life span, perhaps taking us up to the WTO round.

We all subscribe to the protection of the rural environment, without even knowing what we mean by it. In most places in Britain, we have to combine our aspirations for the environment with the need to earn a living and feed our people from the land. When society places those obligations on a farmer, beyond the norm of good practice—I recognise that most UK farmers care deeply about the environment—society should pay the costs.

We must accept that there may be some areas in which it is no longer appropriate to attempt commercial farming; define where they are; and devise measures to allow farmers to withdraw or to transfer to environmental maintenance. We must define what we are seeking to protect in our farmed environment; how we will measure the achievement of that protection; and how policy tools can be devised to secure that protection.

To me, the opportunity is great. We already have, overall, the most competitive farming concerns in Europe. Demand for quality food is growing world wide as economies mature. Every year, we commit about £4 billion as taxpayers, and a further £3 billion or so as consumers, to a byzantine bureaucracy and subsidy process, controlling individual entrepreneurs at micro-level, in a way not attempted in much of the former Soviet bloc. Poland, which is about to be admitted to the European Union, had a private sector agricultural system throughout the time of Soviet domination. It probably had, and has, a less controlled agricultural sector than the European Union.

Could we not spend the money better and achieve far superior outcomes for both producers and consumers? Few politicians welcome the idea of drip feeding an industry into the future. I have set out an exit strategy that I think will work, and I commend it to the House.

7.16 pm

Mrs. Caroline Spelman (Meriden): I want to demonstrate accurately the full scale of the crisis that faces British farming. Agenda 2000 ought to have been a bold expression of what the Commission set out to do in 1995 in reforming and moving towards greater trade liberalisation in agriculture, but I agree that the proposals are timid.

I cannot agree with the Minister, who described the beginning of the negotiations as a powerful start. Several members of the European Union have already rejected the proposals, so it is difficult to understand how that could be called a powerful start. While Europe delays, our competitors make hay—to use an agricultural analogy—and the United States in particular is exploiting the opportunity of greater liberalisation and the decoupling of agricultural support to take advantage of its greater farm size; of its economies of scale; and of better public acceptance of technology that delivers greater productivity in farming.

The tragedy is that, on the face of it, British agriculture, with its large farm structures by comparison with the rest of Europe, would be well placed to take advantage of such decoupling and reform. Despite those advantages, no other member state in the European Union goes into the Agenda 2000 negotiations from such a poor base.

The damage caused by the high pound, the ban on beef exports and the industry's loss of confidence in its Minister have produced a state of despair. Without over-dramatising the situation, I had a letter only last week from the National Farmers Union county secretary noting that one of my constituents, a small dairy farmer, had taken his life because he could see no way forward.

We know that the Minister questions why agriculture should be treated differently from any other industry. No one in private business expects to be bailed out, but politicians have set the framework within which these businesses try to thrive. The framework has many constraints, quotas and regulations. It is only right that farmers should hold us politicians to account if they find that the framework is not serving them well. It is not only the straitjacket of the CAP that is causing problems. They are within their rights to call their Minister to account when our domestic economic policy is making it even more difficult for them to compete and secure livelihoods from their farms.

Part of our effective opposition must be to try accurately to assess the scale of the crisis. We have conducted a comprehensive survey of all parts of the

[Mrs. Caroline Spelman]

United Kingdom, which reveals that every farm sector and region is affected by the crisis. The answers that we received from our correspondence identify the most serious impact of any decision by the new Government that has adversely affected farming and related industries as that of the Government's refusal to act against the high pound.

Export companies are obviously the most seriously affected. The cereal sales of Ellingham Grain Ltd. in Suffolk are down 80 per cent. Its sales of beans have been halved. A less obvious, but telling, example involves a company affected by imports sucked in by the high pound. A small family mushroom supplier on the Leckford estate in Hampshire is finding it difficult to remain in business because of mushroom imports.

Another telling example was given to me by my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe). A Kentish hop grower is struggling to survive in the international marketplace with the high pound. He stored hops on his farm for two years, receiving no income from them. Meanwhile, cheap imports of hops are flooding into the UK from the United States and former eastern bloc countries. There has been a slight weakening of the pound in recent weeks, but the short to medium-term prospect is of continuing difficulty for British farmers. They are deeply frustrated because they know that the Minister has a tool at his disposal to compensate under the CAP, but it lies idle on his desk.

How is the industry responding to that cold shoulder? Like the good business men they are, they are forced to tighten their belts. Milton Mills engineering in Dorset has frozen pay, made one mechanic redundant, and stopped donating time charitably. Agropharm in High Wycombe has not replaced retiring staff, and has reduced overheads to contain erosion of its profitability. Many farmers are considering amalgamating into larger units to survive the crisis, reducing the number of the traditional family farms to whose support the Government pay lip service.

For others, it is already too late. My hon. Friend the Member for East Yorkshire (Mr. Townend) told me of the Agrisystems company in Boroughbridge, which has gone into receivership. Knight Farm Machinery has shed 11 jobs. Robert D Webster is closing a depot, and John Wood and Son is closing a branch. Those are examples from the real world. It is not only farms but the companies on which agriculture depends that are badly affected.

It does not matter where one goes—north, south, east, west, livestock, arable or horticulture—the picture is the same. The full extent of the problem can be appreciated only when we consider businesses that serve agriculture. Philip Moss and Son in Cheshire told me that farmers do not have the finance to buy even second-hand farm machinery from it. When we asked those businesses whether they felt optimistic or pessimistic about the future, a classic MORI-type question, the answer was overwhelmingly the latter.

The general manager of Milton Mills in Dorset wrote:

"The current Government seems increasingly reluctant to take note of the very strong farming voice which has been expressed and I believe it is evident by their apparent reluctance to approach the EU for special consideration and strong economic support for British Agriculture."

We only get one chance a year to debate price fixing and the future of the CAP. We should have before us a set of radical proposals to reform the CAP. Instead, we have a tame document that offers little of relevance or comfort to British agriculture in crisis. The Government hide behind platitudes to protect inactivity and apparent indifference. With only this one chance, we have no choice but to speak up for the serious needs of rural Britain.

7.24 pm

Mr. Cynog Dafis (Ceredigion): I wish to speak briefly from a Welsh perspective. We have been provided with documentation of various sorts for this debate, but it is important to remember another report, which was published yesterday: the Welsh Affairs Committee report entitled, "The present crisis in the Welsh livestock industry". I shall give three quotations from it to emphasise the extreme gravity of the situation.

The report states:

"It is no exaggeration to suggest that much of Welsh agriculture will be destroyed within a decade unless urgent action is taken to reverse the decline."

It also says:

"The collapse of Welsh family farming would be a disaster for Wales as a whole—culturally, environmentally and socially, as well as economically."

Thirdly, it states:

"unless immediate action is taken to assist farmers, there will not be a livestock industry in Wales left to develop."

There will be nothing left to build on, to change or to make more competitive—to use the language that has been used commonly tonight. I hope that the Government note carefully what the report says and recognise that their credibility is on the line in Wales. They need to think hard about that.

The Welsh view of CAP reform is, in many ways, different from the positions of the UK Government, of the Conservative Front-Bench spokesman and of the Select Committee report. There are two points. First, there is the idea that too much is being spent on agricultural support in Europe. Less than 1 per cent. of European GDP is being spent. If much of that is being spent inefficiently and untargeted—as it is—and on persuading rich farmers not to grow corn, that is unacceptable and must be changed. We agree that there must be radical reform. If that sum were spent to guarantee food security by maintaining Europe's capacity to be self-sufficient in food, which is an issue for the longer term, to provide wholesome food and high animal welfare standards, to maintain the natural environment, the landscape and the richness of natural habitats and biodiversity, and to strengthen rural communities and create a lively rural economy and culture, it would be well spent. That range of benefits, for both rural and urban dwellers, is well worth paying substantially for. It would be irresponsible not to pay substantial sums for such benefits.

Secondly, the Welsh view of modulation is different from that expressed in many quarters tonight. The Farmers Union of Wales supports the Commission's proposal to vary direct payments according to the amount of labour employed on the farm, on the understanding that moneys released in that way would be allocated within the member state for agri-environmental schemes. Modulation within a member state and according to that state's priorities, but within the framework of common European rules, is an appropriate way to proceed. The

flexibility in the Commission's proposals overcomes the issue of discrepancy in farm sizes between different countries, of which much has been made.

Modulation to strengthen family farms is justified; it is not a way to prop up the weak and uncompetitive, which is the language commonly used. In many ways, small farms are not weak and uncompetitive, and they are certainly not inefficient. Such modulation is justified to maintain adequate human resources in the countryside to deliver the benefits that I have mentioned. I strongly dissent from the view of the Select Committee that modulation based on labour units is contrary to promoting competitiveness.

The documents that we have been given emphasise integrated rural development—linking food production, processing and marketing. That is very much in keeping with the analysis of the Welsh Affairs Select Committee report, which emphasises not only the severity of the present crisis, but the opportunities for Welsh agriculture—in common with other sectors of British agriculture—to meet consumer demand for quality, traceability and sustainable methods of production. The right kind of CAP reform, with an attractive agri-environmental scheme, could assist strongly in that.

In the short term, the crucial issue is whether Wales will get what it undoubtedly qualifies for under the European structural funds from 1999 onwards. Objective 1 status for western Wales could deliver as much as £2 billion between 2000 and 2006. That status is absolutely crucial at this time for the viability of our economy and our communities. There is no doubt about the eligibility of the region or the appropriateness of the payment. What has to be decided is whether the British Government are seriously committed to that at this time. On objective 1 status, as in negotiating CAP reform, it is reasonable for us in Wales to expect the Government to represent our views and our interests—along with those of others, of course—and if they fail to do that, they cannot expect to have political support in Wales.

7.30 pm

Mr. Steve McCabe (Birmingham, Hall Green): If there is one European policy that is designed to undermine confidence in the European Union, surely it must be the complex, expensive, fraud-ridden and inefficient support systems of the common agricultural policy. That is why the Government are right to press for reform of the CAP.

We have heard a lot about farmers in this debate, but is it not the case that British consumers are the losers under the present policy? Should we not be at least as concerned about them as we are about farmers? Is it not also the case, as my hon. Friend the Member for Cambridge (Mrs. Campbell) pointed out, that reform of the CAP is now essential because an expanded European Union simply could not afford it?

As we have heard, the current reform proposals could save British consumers as much as £1 billion a year, and I welcome that. Surely after years of butter mountains and wine lakes, any sane person must welcome a shift from the current system of production-related support. Is it not much better that we move to environmental subsidies, which encourage protection of the land and safety for consumers?

I welcome the idea that member states should be allowed to withhold up to 20 per cent. of payments from farmers who fail to meet proper environmental standards. I hope, particularly in the light of the BSE scandal, that we might use some of that money to encourage grass-reared beef.

If there is a criticism of the Agenda 2000 proposals, it is that they do not go far enough. We must press for a steady reduction in the level of subsidy paid through the CAP. We must move to income support compatible with the requirements of the World Trade Organisation, which will encourage exports as world markets grow. Of course, no system of support can be totally cost free, but a policy based on lower prices and income support is in the interests of the British consumer.

I am somewhat concerned at the suggestions by Commissioner Fischler that present member countries should continue to receive support, but that new entrants should not. That could lead to the situation in which two farmers grow an identical crop on the same number of hectares, but one receives a subsidy and the other does not. That is a recipe for discord and for continual difficulties as the European Union expands.

The right hon. Member for Fylde (Mr. Jack) called for more agrimonetary compensation for farmers. I am sure that he knows that 70 per cent. of that money must come from the British taxpayer, which means that we have a choice. We can have more handouts for farmers, but at the expense of pensioners, hospital patients, school children and many other people in our society. Is that what he wants? Is that fair?

Mr. Jack *rose—*

Mr. McCabe: I will not give way on this occasion because in a similar debate in 1995, the right hon. Gentleman told the House:

"I . . . have first-hand experience of what it is like to operate in a sector that . . . has no direct intervention. I know what it is like to live on my wits to serve the needs of customers."—[*Official Report*, 21 March 1995; Vol. 257, c. 237.]

The Conservatives are now calling for compensation for farmers which they never once applied for when they were in government. Should we not also recognise that, far from being hard done by, farmers are receiving £85 million of agrimonetary compensation from the Government and can expect to receive about £3 billion in subsidies this year?

I recognise that some small-scale farmers have problems, but I am simply not convinced that the majority of farmers are that hard done by. They may shout about the strength of the pound now, but did they not enjoy tremendous gains during the early 1990s as CAP payments increased rapidly to compensate for weak sterling? Also, is it not the case that, after 1992, EU farmers continued to receive price compensation even though world grain prices had risen rather than fallen? Is it not also true that the Conservative Government's intervention in the 1992 reforms of the CAP, far from producing a fairer system, allowed a small number of fat cat farmers to receive arable area payments ranging from £500,000 to more than £2 million per year?

Mr. Drew: Does my hon. Friend agree that the way in which that Government set up the milk market, so that dairy processors had a vested interest in driving down the

[Mr. Drew]

price of milk, was a recipe for disaster? Thank goodness that the Monopolies and Mergers Commission is now looking into that case.

Mr. McCabe: My hon. Friend is absolutely right. Can anyone seriously argue that the behaviour of the previous Government with respect to the CAP benefited the British consumer, either in terms of prices or food safety? Should we not today support the motion and encourage the Government to negotiate a deal that, although it might have some in-built costs at the outset, could lead to a progressive reduction in the overall size of CAP subsidies? Should we not support the Government in seeking a deal that will encourage a simpler and more efficient system, recognise the rights of consumers, help to create a sustainable rural development policy and protect our environment?

7.37 pm

Mr. James Paice (South-East Cambridgeshire): First, I must declare an interest as I have a small acreage of land and, therefore, would be affected by Agenda 2000.

Dr. John Cunningham: How many acres?

Mr. Paice: Ten. We must consider the Agenda 2000 proposals against a clear picture of what we expect of British farmers and the British countryside. Do we want British agriculture to become a corporate activity, with no regard to the community or the environment? Or do we, as some do, want not merely to stop the clock but to turn it back and to use public money to support a rural way of life and a rural community in some sort of yokel agriculture, immune to the changing needs of consumers and, inevitably, with a constantly increasing cost to the taxpayer?

Or is there a third way—the Government seek to find one in other ways—of encouraging our farmers to be efficient by removing the constraints on their production, stimulating enterprise and making targeted payments for specific activities, whether they be environmental or social, but payments that are decoupled from production, transparent about their intention and, at the same time, reflect our genuine concern for family farms in our farming communities? In its report of 12 November, the Select Committee on European Legislation asked:

> "Is the primary purpose of the CAP to ensure a fair standard of living for the agricultural community, or as Article 39 of the Treaty says 'to increase agricultural production by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, particularly labour'?"

I find it difficult to square that article with some of the proposals before us, especially those for labour unit modulation and the continuation of quotas.

In considering the whole issue of reform, we have to look back to the last round, which became known as the MacSharry reforms. My right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), who was Minister at that time, fought hard to ensure that British farmers were not disadvantaged by those reforms—indeed, the idea of modulation was proposed then. If the Minister today does half as good a job of defending the interests of Britain's farmers, taxpayers and consumers as did my right hon. Friend, he will do well.

My hon. Friend the Member for Mid-Worcestershire (Mr. Luff) and my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) spoke about enlargement and the requirements of the World Trade Organisation. Both expressed concern about whether the Agenda 2000 proposals are enough. It is important that compensation should be degressive, but it is also important to distinguish between payments that are compensation and those that are made for specific activities, whether environmental or anything else. There is clearly considerable confusion, not only inside the House, but in the wider world of agriculture, about those two issues.

My hon. Friend the Member for Meriden (Mrs. Spelman) spoke well about the wider implications of farming economics and the pressures on farmers' welfare and the welfare of many businesses.

On structural funds, we welcome the clearer rural objective described by Agenda 2000 and the bringing together of measures under one heading. We welcome the fact that money will be shifted from the guarantee part of the budget towards rural development, but, like my hon. Friend the Mid-Worcestershire, we do not believe that the proposals fulfil that laudable objective. There is little doubt that, under the new objective 2, rural areas will receive less money than they currently get under objective 5b; and even the new objective, which is sometimes called objective zero, may not be enough, especially given that less-favoured area payments are to be included. We have reservations about whether the proposals will meet the challenges of the WTO or of other objectives, such as diversification for job creation, which is so important. Those elements of the package are necessary if we are to create opportunities for farmers to earn income from non-farming activities.

The issue is not only one of resources; it involves the attitude of the many officials whom farmers encounter and who affect their businesses. The officials responsible for planning and for the many different regulations, such as those on health and safety, have to understand that the development of a different enterprise may mean the difference between survival or bankruptcy.

I ask the Government to examine the issue of business rates, because, if they want to stimulate enterprise in rural areas, they have to look at the way in which, as soon as a farmer develops an enterprise that is not classified as pure agriculture, he immediately gets clouted by business rates. Even providing a few stables can lead to a huge rates bill. It was the previous Conservative Government who introduced the rate relief for village shops, for which the current Government sought to obtain the credit. Has not the time come to consider applying that principle more widely to help farmers?

As my right hon. Friend the Member for Fylde (Mr. Jack) said, the Opposition are not calling for huge increases in public expenditure—indeed, one of our criticisms of Agenda 2000 is that it does not reduce the cost to the taxpayer. We believe that the Government have a duty to help farmers to adjust to the new world. Small sums of money to help new marketing initiatives, or an increase in research into non-food uses of crops, or, as the hon. Member for South Derbyshire (Mr. Todd) said, developing and identifying those areas where we can compete more effectively in a free market could help that adjustment.

Will the Minister tell us how we will address the issue of cross-compliance and environmental assistance? Do the Government support the principle of cross-compliance? Will he assure the House that, as the House of Lords report said, any aid for environmental measures should be available for all farmers, including those in the fens of East Anglia, which I partly represent? Does he agree with the Royal Society for the Protection of Birds, which said:

"There is no clear connection between economic or physical size of a farm and its environmental sensitivity"?

There are many examples of large farms that achieve significant environmental benefits along with efficient farming. However, as any farmer knows, conservation costs money. Loss of income and land area, and development and maintenance costs can be justified only against a profitable farming enterprise, or by specific targeted payments.

Some hon. Members referred to removing support from agriculture, but it is important to differentiate agriculture from all other industries, simply because it is British farmers who manage about 75 per cent. of the land area of this country. Our landscape has been fashioned by agriculture over the millennia, and our people value it as a leisure resource. It is a matter of regret that the Government did not take the opportunity of the debate to lay out their views on the future of agriculture in the United Kingdom. We have heard a little of their views, and we agree with and will support some of them, especially their opposition to the capping of support for individual farms. However, we heard nothing about a vision for agriculture.

Farmers in this country do not want handouts and do not want to be seen as seeking handouts. They repeatedly tell me that they want fair treatment compared with farmers in other countries whose products are coming into this country and with whom they have to compete. Do the Government want no public money to be spent on agriculture? What is the Government's policy toward marginal areas of the country? Do they want vast areas of marginal land to revert to wasteland and moorland and the communities of people living there to fade and die? Do they have a vision for revitalising those rural communities with new policies and continuing public support to keep people living in those fragile areas and to maintain the landscape that millions of people value?

We have not been told the Government's policy towards the idea of labour unit-based modulation within a national envelope—indeed, the Ministers remarks on that issue were somewhat vague. Nor have we heard about their view on livestock quotas, although I hope that the Minister will adopt the same view on those as on milk quotas. The Minister has proclaimed that he will not accept any policy that discriminates against British farmers, yet, on 22 December, he stated that in future there would be fewer producers, but a more viable beef industry in the United Kingdom. Beef farmers throughout the country now believe that they are to be sacrificed by the Government to reduce the supply of beef; but reducing the number of producers does not necessarily reduce production.

We have had a good debate, even though the Labour party has yet again paraded its belief that it represents rural areas. If Labour represents the countryside, why has not a single one of the 180-odd new Labour Members of Parliament registered agriculture as a special interest? That demonstrates the paucity of Labour's argument and the tragedy facing the British countryside, which is now governed by an urban party.

Conservative Members believe that agriculture has a strong and prosperous future, operating in a marketplace, producing what the customer wants and playing a major role in rural communities and the rural economy. The Agenda 2000 proposals will have to be changed significantly if they are to help, rather than hinder, British agriculture's efforts to face up to the future. They go a certain distance in the right direction, but I ask the Government to be resolute in ensuring that Britain's farmers, taxpayers and consumers are properly defended.

7.49 pm

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. Jeff Rooker): By and large, the hon. Member for South-East Cambridgeshire (Mr. Paice) made an excellent speech. *[Interruption.]* I mean that. It was extremely thoughtful, especially at the start. Admittedly, later we got to the third way, but we could wholly agree with the requirements that he set out. I was not so sure that I could agree with him when he got on to the subject of rates, which has long been contentious. I remind him that agricultural land is not rated—an exemption which, one assumes, no one has ever costed. Nevertheless, it was an excellent speech.

That speech was in marked contrast to the opening speech by the right hon. Member for Fylde (Mr. Jack), but we all know that today he was the prize in a magazine contest. That was the result of his speech today. There was a litany of questions. Did anyone read last week's competition in *Farmers Weekly*? The winner of the competition received a speech from the right hon. Gentleman. He was first prize in a competition. It was not a fairly structured speech. The second prize would have been a winding-up speech by the right hon. Gentleman.

It has been an interesting debate. The occupants of the two Front Benches are not responsible for the time constraints—the usual channels and business managers agreed them—but we have had a fascinating debate. At one time, four hon. Members representing Shropshire were on their feet at once—two from each side of the House. At another time, no fewer than four hon. Members representing Cumbria were on their feet at once—two from each side of the House. Obviously, the idea that there is a monopoly of provision for, and representation of, rural areas is nonsense. That was the only remark by the hon. Member for South-East Cambridgeshire to which I took exception.

On Tuesday night—my right hon. Friend the Minister of Agriculture, Fisheries and Food and my hon. Friend the Member for Scunthorpe (Mr. Morley), the Parliamentary Secretary, were there—there was hardly any room in the Committee Room when we met the rural group of Labour Members of Parliament. The Room was packed to the gunwales with people with an interest in the rural economy, who believe that the rural economy extends beyond agriculture. That is a key factor.

Many hon. Members have made important points tonight. I shall try to respond to some of them, but it would be impossible to cover them all. My hon. Friend the Member for Carlisle (Mr. Martlew) kicked off by drawing attention to overgrazing on the fells. That behaviour contrasts with that of the people who, over the

[Mr. Jeff Rooker]

millennia, have left us a massive, beautiful landscape, apparently managed and cultured to great success. As my hon. Friend said, obviously that is not the case throughout the country.

My hon. Friend was also the first person to raise the issue of animal welfare. It is impossible to divorce the issues of the CAP and its reform from the incredibly important but narrow issues of simple price support—including animal welfare issues.

The hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy) demanded to know—unfairly, I thought—the decisions taken at the informal meeting of Agriculture Ministers at Newcastle last week, where, by definition, no decisions are reached. Like him, we do not, as a matter of policy, want a diminution of family farms—which is the way that some people would wish to drive it. He also, very fairly, pointed out that not all problems started in May 1997. We accept that farmers are going through a difficult time, but one must be absolutely realistic about the history of the problems that confront us today.

The right hon. Member for Skipton and Ripon (Mr. Curry) made a measured speech—in contrast to the bawling and shouting. He rightly pointed out that farmers were affected more than most by the strength of the pound because they were affected earlier than anyone else. I would be the first to say that all manufacturing industry is affected—I know that from constituency experience in Birmingham—but farmers are affected first, because of the operation of the green pound.

If I were to reply to all the points made in the speeches by my hon. Friend the Member for Shrewsbury and Atcham (Mr. Marsden) and the hon. Member for Mid-Worcestershire (Mr. Luff) I would take up all the remaining time, because they raised important issues on a range of CAP policy issues, including the cattle-tracing system, about which I shall say a few words. My hon. Friend said that we need to look at rural affairs in the round, not only from an agricultural perspective but from an environmental and social one.

I was on a farm yesterday—and indeed last week—and met not just farmers and country landowners, but those involved in the wider rural economy. My fellow Ministers and I visit farms regularly. We are in contact with, and listen to, people at the sharp end, not just in our Whitehall offices. We are very conscious that those people are keen to discuss wider rural affairs, not just the narrow agricultural aspects.

The hon. Member for Mid-Worcestershire, as Chairman of the Select Committee on Agriculture, referred to the valuable report that had been produced. This is not a love-in. The Government were able to respond because the Committee had produced a report that we did not wholly support but which was a credit to the Select Committee system. That is not to say that the Committee will produce such a good report every time, but it was a valuable contribution. I wish that forced reading of that report had been a requirement for speaking in the debate.

Many hon. Members mentioned the cattle industry, especially regarding the beef ban. The myth persists that this Government are responsible for the beef ban. We are responsible for legislating it, because the previous Government forgot to do so. There are aspects of the beef industry, however, to which we must pay special attention, because any problem in our food industry, especially the beef industry, affects our capability to negotiate our way out of the ban.

Confidence in food is affected in many ways. In negotiating our way out of the ban, we have been affected by questions of quality in the slaughter industry and meat-cutting plants. We now have higher levels of inspection by the Meat Hygiene Service, and that confidence must be communicated to the European regulators. In addition, we now publish the hygiene scores of more than 1,000 red and white meat slaughterhouses.

The staff on that vital inspection work do it on behalf of the public as well as the industry, but I regret that there are continued instances of intimidation of meat hygiene staff to prevent them from carrying out their duties to protect public health. We—I hope that I speak for the whole House—will not tolerate the intimidation of veterinary surgeons and meat hygiene inspectors, carrying out their work in the slaughterhouses of this country.

We recently had the first successful prosecution for intimidation and assault on an official veterinary surgeon, carried out by Mr. R.B. Crowther at the plant of D.S. Cooper of Shelley Bank abattoir in Huddersfield against a female official veterinary surgeon in pursuance of her duties. We shall expose and prosecute on every possible occasion when intimidation of the people doing those jobs, in defence of the beef industry and food safety, is brought to the notice of the authorities. I give that pledge on behalf of—

It being three hours after the commencement of proceedings on the motion, MR. DEPUTY SPEAKER *put the Question, pursuant to Order [18 May].*

The House divided: Ayes 151, Noes 230.

Division No. 285] **[7.58 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Ballard, Mrs Jackie
Bercow, John
Blunt, Crispin
Boswell, Tim
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Burstow, Paul
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Day, Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorrie, Donald
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Harvey, Nick
Hawkins, Nick
Hayes, John
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John

Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maples, John
Mawhinney, Rt Hon Sir Brian
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Oaten, Mark
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid–Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Taylor, Sir Teddy
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Wallace, James
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Willis, Phil
Wilshire, David
Woodward, Shaun
Yeo, Tim

Tellers for the Ayes:
Mr. Oliver Heald and
Mr. John M. Taylor.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benton, Joe
Berry, Roger
Betts, Clive
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, Stephen
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Caplin, Ivor
Chapman, Ben *(Wirral S)*
Chaytor, David
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Colman, Tony
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cox, Tom
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr John *(Copeland)*
Dafis, Cynog
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Denham, John
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Gordon, Mrs Eileen
Grant, Bernie
Grocott, Bruce
Grogan, John
Hall, Patrick *(Bedford)*
Hanson, David
Healey, John
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hoon, Geoffrey
Hope, Phil
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
Kingham, Ms Tess
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
Mackinlay, Andrew
McNamara, Kevin
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moran, Ms Margaret
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Organ, Mrs Diana
Pearson, Ian
Pendry, Tom
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Rammell, Bill
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruane, Chris
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Snape, Peter
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry

Stewart, Ian *(Eccles)*
Stuart, Ms Gisela
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Thomas, Gareth R *(Harrow W)*
Todd, Mark
Touhig, Don
Turner, Dennis *(Wolverh'ton SE)*
Twigg, Stephen *(Enfield)*
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Alan W *(E Carmarthen)*
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Janet Anderson and
Mr. David Jamieson.

Question accordingly negatived.

Main Question put and agreed to.

Resolved,

That this House takes note of European Community Document No. 7073/98 relating to reform of the Common Market Organisations for beef, cereals and milk and for the development of rural development policy in the European Union, and the Second Report from the Agriculture Committee, Session 1997–98, 'CAP Reform: Agenda 2000' (HC 311) and the Government response thereto (HC 719); and supports the Government's intention to negotiate an outcome which takes account of the interests of UK producers, consumers and taxpayers alike and of developing countries and to press for a reformed Common Agricultural Policy with substantially reduced overall costs, which is more economically rational, which reduces the bureaucratic burden on farmers, which provides a better framework for targeted environmental and rural development support, which contains fair and common rules to ensure that the UK's farm and food industries can exploit their competitive advantage in European and world markets, which facilitates the accession of associated countries and which offers the medium-term prospect of benefits to developing countries.

DEREGULATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 18(1)(a) (Consideration of draft deregulation orders),

Union Subscriptions

That the draft Deregulation (Deduction from Pay of Union Subscriptions) Order 1998 be approved.—*[Mr. Pope.]*

The House divided: Ayes 221, Noes 100.

Division No. 286] **[8.14 pm**

AYES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Ballard, Mrs Jackie
Banks, Tony
Barnes, Harry
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benton, Joe
Berry, Roger
Betts, Clive
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Buck, Ms Karen
Burden, Richard
Byers, Stephen
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Colman, Tony
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr John *(Copeland)*
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Geraint *(Croydon C)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Denham, John
Dobbin, Jim
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Fisher, Mark
Fitzpatrick, Jim
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Gordon, Mrs Eileen
Gorrie, Donald
Grocott, Bruce
Grogan, John
Hall, Patrick *(Bedford)*
Hanson, David
Heath, David *(Somerton & Frome)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hoon, Geoffrey
Hope, Phil
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Simon *(Southwark N)*
Hutton, John
Iddon, Dr Brian
Jackson, Ms Glenda *(Hampstead)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keetch, Paul
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Kingham, Ms Tess
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Linton, Martin
Livingstone, Ken
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
Mackinlay, Andrew
McNamara, Kevin
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Moffatt, Laura
Moore, Michael
Moran, Ms Margaret
Mudie, George
Mullin, Chris
Norris, Dan
Oaten, Mark
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Pearson, Ian
Pendry, Tom
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Rammell, Bill
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruane, Chris
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sawford, Phil
Sedgemore, Brian
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*

Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Ms Dari *(Stockton S)*
Thomas, Gareth R *(Harrow W)*
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Turner, Dennis *(Wolverh'ton SE)*
Twigg, Stephen *(Enfield)*
Vis, Dr Rudi
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Alan W *(E Carmarthen)*
Willis, Phil
Wood, Mike
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. David Jamieson and Janet Anderson.

NOES

Ainsworth, Peter *(E Surrey)*
Arness, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Blunt, Crispin
Brady, Graham
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clifton-Brown, Geoffrey
Collins, Tim
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Day, Stephen
Duncan Smith, Iain
Faber, David
Fabricant, Michael
Flight, Howard
Fox, Dr Liam
Fraser, Christopher
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maples, John
Mawhinney, Rt Hon Sir Brian
Norman, Archie
Page, Richard
Paterson, Owen
Prior, David
Redwood, Rt Hon John
Robertson, Laurence *(Tewk'b'ry)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Streeter, Gary
Swayne, Desmond
Syms, Robert
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Wilshire, David
Woodward, Shaun
Yeo, Tim

Tellers for the Noes:
Mr. John M. Taylor and Mr. Oliver Heald.

Question accordingly agreed to.

Arnos Vale Cemetery

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Pope.]*

8.23 pm

Ms Jean Corston (Bristol, East): I am grateful for the opportunity to debate the future of Arnos Vale cemetery in my constituency. It was established by a private Act of Parliament in 1837, and is—and has always been—owned by the Bristol General Cemetery Company. It comprises 45 acres in the city, was planned as a Greek necropolis, and has been described as an Arcadian garden. It is of unique ecological importance, in that it has changed from being mediaeval countryside to a Georgian estate to a Victorian cemetery without the use of chemical pesticides or insecticides.

The cemetery provides a fascinating insight into the history of Bristol, as it contains the graves of the Victorian well-to-do, a survivor of the charge of the Light Brigade, a police officer who was murdered in Old Market while trying to intervene in a fight over the ill treatment of a donkey, and the notorious Mary "Princess Cariboo" Baker, who managed to persuade the squire of Almondsbury that she was an eastern princess.

There are also the unmarked mounds of the common graves of the Victorian poor and the markers of the "guinea" graves of those whose friends and relatives had managed to put up the required 21 shillings and so avoid a pauper's funeral. There are many Commonwealth war graves, and last—but by no means least—the mausoleum of Raja Rammohun Roy, who is internationally revered as a humanist and social reformer, and whose statue stands outside the Council House in Bristol.

The income of the cemetery obviously declined as it filled up, and the costs of upkeep rose as burials continued to the present day. In 1987, Mr. Tony Towner took over as the new owner, and he and his wife became the principal shareholders in the Bristol General Cemetery Company. He made no secret of the fact that he was effectively given the cemetery in lieu of a professional debt. Mr. Towner is a barrister.

After my election in 1992, Mr. Towner contacted me to discuss the state of the cemetery. Such was my concern that, on 6 December 1992, I convened a meeting at the Council House in Bristol, which I chaired. It was attended by representatives of Bristol city council, Mr. and Mrs. Towner, the Victorian Society and representatives of the Association for the Preservation of Arnos Vale Cemetery, known as APAC. We discussed all the issues that arose from the private ownership of the cemetery, which was facing decline. At that stage, there was already considerable dereliction in the cemetery.

There was a further meeting on 12 February 1993, which I also chaired, when we discussed issues relating to the records of the cemetery, because Mr. Towner had made it clear that he did not think that they were safe as the property was subject to vandalism. An offer was made to microfiche or film the cemetery records, and it was made clear that the cost would not be borne by the cemetery company. However, there was no co-operation from Mr. Towner, not just on this issue but on any other issue raised at the meeting in December 1992. I found that puzzling, in view of the fact that he had approached me to help resolve the issue.

[Ms Jean Corston]

As to APAC, which is now known as the Friends of Arnos Vale Cemetery, I must say that I have never come across a more responsible and committed group of individuals. I believe that they have only the upkeep and the best interests of the cemetery at heart. They offered to provide a cut-and-clear service for the cemetery and, after Mr. Towner objected to insurance indemnity, had discussions with the National Federation of Cemetery Friends and agreed to provide their own insurance cover for any accident or mishap arising from their activities.

Their reward was rudeness, intimidation and repeated threats of legal action—once when the then chairman was recovering from a serious illness—from Mr. Towner and his solicitors. I also have copies of threatening and intimidating letters from Mr. Towner to constituents who expressed distress at the state of the cemetery.

I referred to the Raja Rammohun Roy. He has a unique importance for the Indian community, in the United Kingdom and world wide. A centre promoting his work is located in Delhi. The High Commission has made strenuous efforts over many years to restore the mausoleum. There are regular pilgrimages to the cemetery, and one visit every year—which is usually attended by the high commissioner—to mark the date of the Raja's death.

The high commissioner has been locked out on that day at least once. The spectacle of a representative of a friendly country and fellow member of the Commonwealth visiting this country, only to be locked out of the premises to which he had asked for access, and having to leave flowers at the gate, was disgraceful. There was a gross discourtesy, and, to its credit, the high commission is still patiently trying to resolve the issue.

The site is also unique in heritage terms, which is where its future lies. A letter to me from English Heritage on 14 January 1993 states:

"Cemetery contains 16 listed structures of which the 1830's Bath Road entrance lodges, gates and screen walls, 2 mortuary chapels of 1840 and retrospective commemoration of Raja Rammohun of 1843 are all listed Grade II*; the Cemetery Road gates, 1914-18 war memorial, 1866 obelisk and five further memorials are listed Grade II. All these structures have been on the statutory list for at least 30 years."

On 19 May, the 1998 buildings-at-risk register listed the entrance lodge gates and mortuary chapel of Arnos Vale cemetery.

Mr. Towner's failure to disclose his financial situation meant that it was difficult for English Heritage to give grant, because he could not demonstrate need for financial assistance. He knew that in 1992. The south-west team of English Heritage made it clear that there was no possibility of a grant to him, that he was unable to accept the grant conditions, and that it would not communicate further with him on the matter. I formed the view then that a trust for the people of Bristol was the only answer.

Bristol city council's responsibility has generally been confined to environmental matters, principally the crematorium. It was built in 1928, when cremation was not common. Mr. Towner's accusation that the council built crematoria to put Arnos Vale out of business is manifestly absurd. Canford crematorium opened in 1957, and Bedminster Down in 1971, as cremation became more acceptable and popular. That was long before Mr. Towner knew where Arnos Vale was. He took it over in the full knowledge that there were local authority crematoria in Bristol.

Arnos Vale crematorium is at the end of its useful life. Bristol city council has served notice under the Environmental Protection Act 1990, ordering the company to meet certain conditions and bring the crematorium up to standard. Mr. Towner appealed against a previous notice, and I was astonished when he succeeded. He was given until 31 March 1998 to bring the crematorium up to the standards laid down by the 1990 Act.

I do not often read the *Investors' Chronicle*, but I am pleased that I read the 7 January 1994 issue, because I saw an advertisement for "Arnos Village Cemetery Operator". It continued:

"Arnos owns and operates a 45-acre cemetery in Bristol less than half a mile from Temple Meads station. It has retained Hambros to advise it on developing up to 30 acres of the site. If negotiations over the new Bristol City development plan go well, Arnos calculates that up to 400 houses could be built on land where graves have been moved. Meanwhile it looks an attractive shell."

It is important to remember the case of the Westminster cemeteries. In January 1987, three were sold by Westminster borough council for 15p—or 5p each. The cemeteries—at Mill Hill, East Finchley and Hanwell—were outside the boundaries of Westminster borough, and so were thought to be a waste of Westminster ratepayers' money. According to Lady Porter, in an *Evening Standard* article on 8 March 1989, the cemeteries were offered to the appropriate local authorities for nothing and were refused, so it was decided to sell them to eliminate the £300,000 a year maintenance costs. Valuable land was also given away with the cemeteries—12 acres at Mill Hill. The purchaser, who paid 15p, sold them on for £1.25 million.

When I saw the advertisement, I immediately contacted Bristol city council. I am pleased that the result was that conservation area status was conferred by the council in July 1996. In a way, that made sense of the previous few years and of Mr. Towner's refusal to co-operate in guaranteeing the future of Arnos Vale. My opinion is that his objective was always to sell the site for development.

Matters came to a head earlier this year, with a newsletter from the company headed: "Exhumation—a sad necessity?" It says:

"An uncertain future for our famous Arnos Vale Cemetery now needs you to consider how best to continue your respect for your relatives and loved ones graves.

If the grave of your loved one or friend is in the top part stretching between the Cemetery Road gates and the Park where the distress and dereliction is at its greatest (and will be unaffected by Heritage funded improvements to the original Arcadian Gardens) you may wish to consider exhuming the remains for re-burial in the original Victorian Arcadian Gardens (which whatever happens must surely be preserved) near the chapels or for cremation with the ashes to be buried in a cremation plot in the same area, or to be scattered here, or if you wish, to be re-interred in another cemetery of your choice.

How has this come about?

One simple answer—No money.

Why not?

Two main reasons—competition for cremations from Council owned crematoria installed despite our company having sufficient capacity, at that time, for the whole of Bristol and the costs of compliance with environmental legislation."

The newsletter invites readers to apply for an

"information pack on the future of Arnos Vale and how exhumations are arranged."

I immediately contacted the Home Office, and asked that no decision be taken on the granting of licences for exhumation.

That notice must be unprecedented, and the public reaction was what any right-minded person would expect: extreme distress, revulsion and anger. The culmination was Mr. Towner's announcement that he was closing the cemetery permanently, as from 31 March 1998. I cannot describe the grief and distress that that caused, but the people of Bristol decided they would have none of it. They took over, drew up a rota for locking and unlocking the gates, and set about a clean-up. The cemetery looks better than it has for years. Mr. Towner's reaction was to call those people "vigilantes", who were involved in "mob-rule", in a letter to me. I can only describe the use of such language in respect of bereaved people as despicable.

The *Bristol Evening Post* has helped to keep up the pressure, with coverage virtually every day. There are now 1,500 people in its Arnos Vale army. That coverage has been vital in keeping the issue at the forefront of public attention.

Bristol's planning, transport and development committee considered Arnos Vale cemetery at its meeting on 23 April 1998. It welcomed the report, and agreed that a regeneration study, looking at the historic buildings, landscape and future management of the cemetery, should be commissioned. Subsequently, the policy and resources committee agreed to underwrite the cost of the study, until money becomes available.

The regeneration study is expected to cost about £40,000. The council hopes to set up a joint project, funded by English Partnerships, English Heritage and the Bristol Preservation Trust. A brief for the study is being put together, and it is hoped that it will be commissioned in June and that there will be a report in September. The council is about to write to Mr. Towner, requesting urgent works to listed buildings. If he fails to carry them out, the city council will undertake them and put a charge on the property. A petition of about 18,000 signatures will be submitted to the city council any day now.

The leisure services committee is satisfied that the quality landscape is being well cared for by volunteers, and it looks forward to a landscape plan as part of the regeneration study. The Commonwealth War Graves Commission recently took on landscape maintenance around its graves.

There are marvellous opportunities for community involvement in regeneration and to tie in with Government projects, such as the environmental task force. There is also the possibility of a local employment and training project for work on walls and buildings, as well as landscape maintenance and enhancement. The site may be beneficially used as a local social history resource outlet for schoolchildren and others who are interested in local history.

Mr. Towner charges £25 for every letter or fax that he sends in connection with funerals, and £15 for each phone call. A private burial takes three weeks to set up, and that was described by a Bristol undertaker as "extortionate and without justification."

I am delighted that my hon. Friend the Under-Secretary of State for Culture, Media and Sport will reply to the debate, and I call upon him to use any powers that are open to his Department to secure the cemetery as a precious asset to our heritage and as a haven for remembrance, contemplation and conservation. I understand that his Department has reserved powers to serve a repair notice on a site owner specifying work that is to be carried out, but that those powers would be used only in exceptional circumstances. I cannot think of any circumstances that are more exceptional than these.

There are other issues, such as the granting of exhumation licences by the Home Office. I hope that the Minister will be able to speak about the Home Office's response. There is also the issue of the way in which exhumation licences are granted. I agree with the Commonwealth War Graves Commission that licences should be granted only if there is "an overriding public necessity."

My central argument is that no one should be allowed to profit from the bones of the dead or from the bereavement or remembrance of the living. Mr. Towner may have been able to play cat and mouse with me and with Bristol city council, the Friends of Arnos Vale Cemetery, the Indian high commission and English Heritage, but he did not reckon with the force of public opinion in Bristol. He should accept that there is no future for Arnos Vale as a business, and that his procrastination has brought disrepute to the city of Bristol and distress to people whose only concern is to provide a fit and proper resting place for loved ones and ancestors. If he is not prepared to co-operate in the setting up a trust for the people of Bristol, he should go back to Oxford, and let us get on with it.

8.42 pm

Valerie Davey (Bristol, West): I endorse what my hon. Friend the Member for Bristol, East (Ms Corston) has said, and I echo her concern for the people of Bristol and those further afield who, in their distress, have been writing to us. Tomorrow is the 226th anniversary of the birth of Raja Rammohun Roy, the Indian philosopher, and in his memory, people may wish to visit the cemetery. However, every day is an anniversary to some family who have loved ones in that cemetery. Every day draws people not just from the Bristol area, but from much further afield, because there are 40,000 graves in that cemetery.

We are debating a human tragedy, and the dignity with which the people of Bristol have responded is to their great credit. We seek the Government's help in redressing the despicable situation of one person trying to make a profit at the expense of the majority of people in that area who wish to maintain the cemetery. They display great dignity, and bring to bear a great deal of endeavour and hard work. I trust that the Minister can offer some help in that endeavour.

8.44 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Tony Banks): It seems that this is my week for Adjournment debates. The one last night was about church bells, and I suppose tonight's debate is about those for whom the bells have already tolled.

I congratulate my hon. Friends the Members for Bristol, East (Ms Corston) and for Bristol, West (Valerie Davey) on drawing this important matter to the House's attention.

[Mr. Tony Banks]

I listened carefully to the concerns about the future of Arnos Vale cemetery, and I can understand why the matter has aroused anger, not only in Bristol but further afield. The Government understand those concerns, and wish to secure the future of this important and historic cemetery. I hope that I can reassure my hon. Friends that initiatives are in hand to do that.

As my hon. Friend the Member for Bristol, East said, the cemetery was laid out in 1836 to 1840 with buildings by Charles Underwood, who was Bristol's leading neo-classical architect of the early 19th century. It is a fine and early example of what was a new concept in cemetery design, and it was influenced by the great pictures of 18th-century landscape gardens and the romantic ideals of the time. Its historic importance has been recognised in many ways.

In 1996, the efforts of my hon. Friend led to Bristol city council including the cemetery within the Arnos Vale conservation area. Such areas are of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. They are designated by local planning authorities in the light of their local knowledge.

More recently, the cemetery has been listed grade II in English Heritage's "Register of Historic Parks and Gardens". In addition, the cemetery contains 14 grade II and grade II* listed buildings. As we have heard, they include the grade II* tomb of Raja Rammohun Roy, who died in Bristol in 1833. He is described by the Indian high commissioner

"as one of the most significant figures in the social, cultural and intellectual history of India during the last two hundred years."

The tomb is regarded as a shrine for all Indians, and I was appalled to hear from my hon. Friend that, in the past, pilgrims to the tomb were locked out. That is a disgrace, and one can only apologise to the Indian Government and to the followers of Raja Rammohun Roy for that insult. His tomb, like some other unlisted and listed buildings in the cemetery, is in poor condition.

The Indian high commissioner met my right hon. Friend the Secretary of State to express his concern that the tomb may deteriorate beyond rescue, and be lost for good. He is also worried about access to the tomb for pilgrims who come to pay their respects. High commission officials have discussed those problems with Mr. Towner of the Bristol General Cemetery Company, which owns the cemetery. However, I am afraid that the parties have so far been unable to agree on how the matter should be resolved. That seems to be a common story when one tries to make arrangements with Mr. Towner.

In many ways, the problems surrounding the tomb of Raja Rammohun Roy encapsulate the difficulties that face the cemetery as a whole. Many of the tombs and vaults are in a dangerous condition, due to neglect by those who own them, and the grounds have become dangerous, raising public liability issues. The entrance lodge and gates and the mortuary chapel, which is listed grade II* are in the highest category of risk in English Heritage's new "Register of Buildings At Risk" which was published on Tuesday.

I understand that the long-term financial viability of the cemetery company to manage the cemetery effectively and safely has been in doubt for some years because of declining revenues from burials and cremations. In addition, we understand that the company's crematorium has been closed because of insufficient funds to upgrade the cremators as required to ensure compliance with environmental protection legislation.

Understandably, these matters have raised widespread local concern that the cemetery may be forced to close. As my hon. Friend the Member for Bristol, East said, the cemetery was closed for a time last month, but public pressure forced the company to reopen it.

The attitude of Mr. Towner was mentioned several times by my hon. Friend. I noted her criticism of the way in which he manages the cemetery, and the difficulties that the city council, local residents and others have had in trying to discuss with him how to secure the cemetery's long-term future. I well understand local anger. The recent history of cemeteries being sold off or passed on to unsuitable persons is sad and depressing. We all remember well the scandal of the Westminster cemetery sale.

I should make it clear that English Heritage has always stood ready to consider any request for grant aid support in respect of listed buildings in the cemetery, and remains willing to do so. I confirm that it remains ready to consider assisting the city council with both professional advice and grant aid in the event that the city council decides to use its statutory powers for listed buildings in disrepair.

It may be helpful at this point if I outline legislative provisions that may have some relevance in respect of the cemetery. On guaranteed access to the cemetery, little can be done. As my hon. Friend has said, Arnos Vale is a private cemetery, established by a private Act of Parliament of 1837 and run by a private company. Beyond what is contained in that and subsequent private Acts relating to the cemetery, the activities of the Bristol General Cemetery Company are not subject to regulation. Other than in relation to any requirements of the Burial and Cremation Acts, and to limited Home Office powers of intervention, the company is largely free to conduct its business on its terms.

Nevertheless, the company will have a contractual relationship with people who have bought burial rights in the cemetery, and any infringement of the rights thus acquired will be subject to the provisions of civil law. Individual families with concerns about their burial rights may wish to consider taking legal advice.

I said that the Home Office had limited powers of intervention. It has an interest in ensuring that any relevant regulations relating to burial grounds are observed, and that such grounds are not allowed to become a health risk or to offend public decency. To that end, it has powers to undertake inspections of all burial grounds. In extreme cases, it is open to the Home Office to seek an Order in Council to require certain works to be carried out, or to close the site to further burials.

I can inform the House that the Home Office is considering whether it would be helpful and appropriate to undertake an inspection of the cemetery. My noble Friend Lord Williams of Mostyn has arranged to meet my hon. Friend to discuss the matter, and how far the Home Office may be able to help.

The legal powers relating to the protection of listed buildings are set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. The primary responsibility

for the upkeep of a listed building rests with the owner, but sanctions can be imposed by the local planning authority when a listed building is in a poor state of repair. In the case of Arnos Vale, ownership of listed tombs and other buildings will rest with either the cemetery owner or private individuals.

Where the authority considers that a listed building is in need of repair, it can serve a repairs notice on the owner, specifying the works that are considered necessary for the building's preservation. If no action is taken in response to the notice, the authority can begin compulsory purchase proceedings. In addition, in the case of an unoccupied listed building, a local authority can serve an urgent works notice requiring the owner to carry out emergency repairs. If the owner fails to carry out the works, the authority can do so, and recover expenses from the owner.

The legislation also gives the Secretary of State powers that are broadly similar to those of local authorities. However, it is the Government's policy to treat them as reserve powers for use only in exceptional circumstances. I assure my hon. Friends that we will use the powers if we have to.

I understand that Bristol city council has considered serving an urgent works notice on the Bristol General Cemetery Company in respect of the listed buildings in disrepair for which the company is responsible. However, the city council has been reluctant to take that step, because of the potential costs. It considers that the company is not in a position to reimburse the council for the costs of any urgent works that are undertaken. That option remains open, and, if pursued, it may be possible for English Heritage to underwrite some of the risk as part of its buildings-at-risk programme. That programme includes advice to local authorities on how they can use their statutory powers effectively.

Following his meeting with the Indian high commissioner, the Secretary of State asked English Heritage to produce a report on the condition of the Raja Rammohun Roy tomb. It has become clear, however, that that particular matter needs to be looked at in the context of wider issues concerning the present state and future options of the cemetery as a whole. The English Heritage report will therefore now look at all those issues. That is a sensible step, because individual problems of access, maintenance responsibility and public safety are closely interlinked, and cannot be dealt with in isolation. Any solutions to them must fit in as part of an overall package.

English Heritage is still producing its report, but I am pleased to say that it has indicated to us that good progress has already been made in dealing with a number of issues. It has held meetings with all interested parties, including Mr. Towner, and has discovered that the parties share a lot of common ground. As a result, it has agreed that a sensible first step would be to commission a conservation and regeneration study into the cemetery's future. That will include an appraisal of its heritage assets, its role as a local amenity and preparation of a business plan.

Clearly, any business plan will need to address several options. For example, I understand that there may be scope for some limited development, combined with increased public access to the open spaces, restoration and regeneration of the historic core of the cemetery—perhaps by a trust—and the retention of part as an active cemetery for conventional burials. A number of buildings on the site have viable reuse potential.

Bristol city council is prepared to underwrite part of the conservation and regeneration study, and other potential funding partners, both public and private, have declared a readiness to support that. English Heritage is also considering what financial support it can offer. The Indian high commission has also informally offered help in the restoration of the Raja Rammohun Roy tomb.

I know that the Heritage Lottery Fund has been approached by the city council to support the conservation and regeneration study. The fund has made it clear, however, that it normally requires applications to be made by the eligible owner. I hope that, in the light of recent developments, the company will be persuaded to co-operate with the city council to allow a proper application to be considered as quickly as possible.

However, the fund has assured me that it is aware of the urgency surrounding the case, and it is meeting shortly officials from the city council to review matters. My hon. Friends will appreciate that the Government have no role in the decision-making process of lottery applications. Decisions are made independently of Government by the trustees of the National Heritage Memorial Fund, the body which is responsible for the Heritage Lottery Fund.

As a next step, English Heritage envisages that a wider meeting should be held, involving itself, the company, potential trust members, local politicians, officials from the city council and my Department and other agencies. It is hoped that such a meeting will be arranged in late June or July, and will reach agreement on the steps to be taken. English Heritage will then present its report and recommendations, which it is hoped will have the full support of all interested parties.

If agreement is reached on the way forward, the wider public will be consulted on what is being proposed. With good will and co-operation from all parties involved, it should be possible to agree a workable solution, which will not only regenerate the cemetery as a local amenity, but develop it into something that has a viable future. However, if it is not possible to reach agreement, the statutory procedures that I have referred to can be implemented.

I am grateful to my hon. Friend the Member for Bristol, East for giving the House the opportunity to debate this important matter. I hope that she is able to take some reassurance from my comments. I am sure that I speak for everyone when I say that I hope that the discussions that are taking place will result in the long-term future of Arnos Vale cemetery being secured. The people of Bristol have a right to expect nothing less.

Question put and agreed to.

Adjourned accordingly at three minutes to Nine o'clock.

Written Answers to Questions

Monday 11 May 1998

PRESIDENT OF THE COUNCIL

Drugs

Mr. Green: To ask the President of the Council what is the budget under the direct control of the United Kingdom Anti-Drugs Co-ordinator. [40262]

Mrs. Ann Taylor: The UK Anti-Drugs Co-ordinator, Keith Hellawell, is a special adviser to the Government, and as such has no budget to spend. As part of the Government's Comprehensive Spending Review, he has overseen a review of existing drug resources. This has informed the Government's new anti-drugs strategy, 'Tackling Drugs to Build a Better Britain', launched last month. This estimated that the Government currently spend about £1.4 billion a year on anti-drugs activity within departmental programmes. An announcement on funding from 1999–2000 will be made later in the year, following the outcome of the Comprehensive Spending Review.

DEFENCE

Nuclear Submarines

Mr. Brazier: To ask the Secretary of State for Defence which SSNs are presently undergoing refit; when the work commenced; and when they are expected to be rededicated. [40868]

Mr. Spellar: The following submarines are currently in refit with the dates of commencement and rededication as shown:

Submarine	*Date of commencement*	*Rededication*
HMS Tireless	June 1996	January 1999
HMS Torbay	January 1998	Estimated February 2001
HMS Superb	August 1994	April 1998
HMS Sceptre	May 1997	June 2000

Weapon Diagnostic Division, Aldermaston

Mr. Matthew Taylor: To ask the Secretary of State for Defence when the Weapon Diagnostic Division at the Atomic Weapons Establishment, Aldermaston, was set up; what is the purpose of this division; how many series of technical papers or reports are currently being produced by this division; and what are the names of each series. [40754]

Mr. Spellar: The Weapon Diagnostic Division of the Atomic Weapons Establishment, Aldermaston was created in 1979 and disbanded in 1994. Its function was to diagnose underground test programme results. As it no longer exists, there are no documents currently being produced by the Weapon Diagnostic Division.

Atomic Weapons Establishment

Mr. Matthew Taylor: To ask the Secretary of State for Defence, pursuant to his answer of 21 April 1998, *Official Report*, columns *552–53*, on the Atomic Weapons Establishment, how many audit reports have been produced by the Directorate of Quality Assurance since 1 January 1995; and how many of these reports are unclassified. [40768]

Mr. Spellar: The Directorate of Quality Assurance has produced over 1,200 audit reports since 1 January 1995. Of these, only one was classified.

Mr. Matthew Taylor: To ask the Secretary of State for Defence, pursuant to his answer of 21 April 1998, *Official Report*, column *553*, on the Atomic Weapons Establishment, if he will list the unclassified reports in the untitled series of papers produced by the Warhead Engineering Division, indicating the title of each paper and the date on which each paper was produced. [40753]

Mr. Spellar: I am today placing a list in the Library of the House.

Computers (Hacking)

Mr. Matthew Taylor: To ask the Secretary of State for Defence what monitoring his Department conducts on the extent to which outside individuals have attempted to hack into his Department's computer system; how often reports are made on this matter; and what is the current security classification of such reports. [40755]

Mr. Spellar: Ministry of Defence policy on the connection of computer systems to external data networks, such as the Internet, is that the computer system should be dedicated to the purpose and, unless the system processes only unclassified data, be protected by a security architecture which includes firewall technology that monitors attempts at hacking. There is no evidence of a successful intrusion from an external source to any MOD computer system.

The MOD is a contributing Department to the Government-wide Unified Incident Reporting and Alert Scheme, UNIRAS, run by the Security Service. Security incidents, including attempts at hacking, are reported to UNIRAS and an annual report, classified RESTRICTED, is produced by the Security Service.

Strategic Defence Review

Mr. Matthew Taylor: To ask the Secretary of State for Defence how many authors of submissions by outside organisations and individuals to the Strategic Defence Review have consented to their submissions being made public; and by what means members of the public may view these submissions. [40668]

Mr. George Robertson: 486 authors of submissions by outside organisations and individuals to the Strategic Defence Review have consented to their submissions being made public. We are offering to supply copies of the submissions on microfiche to libraries in London,

Belfast, Edinburgh, Cardiff, Cambridge, Manchester, Newcastle-upon-Tyne, Birmingham, Bath, Exeter and Oxford. These copies are currently in production.

Tank Regiments

Mr. Gordon Prentice: To ask the Secretary of State for Defence what additional opportunities for training tank regiments are likely to occur with the proposed expansion of NATO to include Poland and Hungary. [41224]

Mr. George Robertson: Extensive facilities for brigade-level armoured training in Poland are already available for use by other nations, and the United Kingdom makes regular use of them. The enlargement of NATO is unlikely in itself to result in additional opportunities for armoured training in Poland, Hungary or the Czech Republic.

NATO Enlargement

Ann Clwyd: To ask the Secretary of State for Defence if he will place in the Library a copy of the NATO study on the costs of enlargement. [41543]

Mr. George Robertson: The NATO study on the costs of enlargement is a classified document, and I am therefore withholding it under exemption 1 (defence, security and international relations) of the Code of Practice on Access to Government Information and do not propose to publish it. I have however provided a copy of the study to the Defence Select Committee, whose Third Report of Session 1997–98 (HC 469) reproduces the unclassified information provided to it.

EDUCATION AND EMPLOYMENT

Pre-school Care

Mr. Dawson: To ask the Secretary of State for Education and Employment how he will ensure that the needs of three year old children are appropriately met in pre-school care. [41660]

Ms Estelle Morris: The pre-school needs of children up to the age of eight are safeguarded by statute under the Children Act 1989. This requires every local authority to keep a register of persons who act as childminders on domestic premises and also of persons who provide day care in non-domestic premises. The local authority has to be satisfied that those registered are suitable to be looking after children up to this age and have adequate regard to the needs of all children. The Department published, on 27 March 1998, a Consultation Paper on the Regulation of Early Education and Day Care.

Pathfinder Areas

Mr. Keetch: To ask the Secretary of State for Education and Employment how much public money each New Deal Pathfinder area received from the Government between 1 January and 6 April; and if he will make a statement. [40825]

Mr. Andrew Smith: Although approximately £3.2 million was earmarked to meet the cost of operating the New Deal Pathfinders in 1997–98, with £5m programme expenditure held centrally, it is not possible to give actual expenditure figures at this stage.

Mature Students

Mr. Brady: To ask the Secretary of State for Education and Employment what percentage change has taken place in the numbers of *(a)* mature students entering higher education and *(b)* lone parents entering higher education as mature students in the last year over the previous year. [40823]

Dr. Howells: The number of mature students entering higher education courses in higher education institutions in the UK rose by 1 per cent. between 1996–97 and 1997–98, from 339,100 to 342,900. Mature students are defined as postgraduates aged 25 and over, and undergraduates aged 21 and over. Information on the numbers of lone parents entering higher education as mature students is not held centrally. However, data from the Labour Force Survey show that the number of lone parents aged 21 or over in full-time higher or further education rose from 207,000 in 1996–97 to 222,000 in 1997–98, representing an increase of 7 per cent.

Public Bodies

Mr. Öpik: To ask the Secretary of State for Education and Employment how many and what proportion of his Department's appointees to non-departmental public bodies are (i) aged under 25, (ii) aged 25 to 30 and (iii) aged 31 to 35 years. [40742]

Dr. Howells: The number of appointees to Non-Departmental Public Bodies sponsored by this Department, within the specified age ranges, is as follows:

(i) aged under 25—nil;

(ii) aged 24 to 30—nil;

(iii) aged 31 to 35—one.

This one appointee under 35 years of age, represents 0.6% of the 160 current appointees.

The Government are committed to encouraging a wide range of candidates to apply for positions on the boards of public bodies, reflecting the diverse society in which we live. This includes encouraging more young people to put themselves forward as potential candidates for public appointments. All appointments are made on merit, and candidates must demonstrate that they have the necessary skills and experience to match the needs of the public body on which they wish to serve.

Long-term Unemployment

Mr. Keetch: To ask the Secretary of State for Education and Employment when his Department will publish the design of the new deal for the long-term unemployed; when he expects the new deal to begin; and if he will make a statement. [40665]

Mr. Andrew Smith: I will publish this month the design document for the New Deal for people aged 25 and over. The New Deal for people aged 25 and over will begin on 29 June.

Departmental Energy Use

Mr. Stunell: To ask the Secretary of State for Education and Employment what proportion of the Department's energy usage was from *(a)* renewable energy and *(b)* combined heating in each year since 1989–90. [40410]

Dr. Howells: The Department does not, at present, utilise any renewable energy. Since 1995–96, some of the Department's energy has been supplied by combined heat and power. The proportions in each year since 1995–96 are as follows:

Year	*Percentage*
1995–96	7.53
1996–97	8.14
1997–98	[1]8.76

[1] End of year figures for 1997–98 are not yet available. Therefore, the figure has been estimated against the projected outturn

Mr. Stunell: To ask the Secretary of State for Education and Employment what quantity of *(a)* oil, *(b)* gas and *(c)* electricity, was purchased for the heating, lighting and powering of all accommodation occupied by his Department in each year since 1989–90; and what was the total cost in real terms for *(a)* to (c) in each year. [40413]

Dr. Howells: The following table details the information which is available on DfEE consumption and costs for each financial year from 1990–91 to 1997–98. Central records were not held prior to 1990–91; therefore, information for 1989–90 is not included.

Oil, gas and electricity consumption in accommodation occupied by DfEE

Year	*Gas consumption (kWh)*	*Actual cost £*	*Gas oil (kWh)*	*Actual cost £*	*Electricity (kWh)*	*Actual cost £*	*Total consumption (kWh)*	*Actual cost £*
1990–91	16,362,479	194,586	4,155,560	63,202	19,359,731	1,205,638	39,877,770	1,463,426
1991–92	16,543,141	215,385	4,290,339	47,135	21,365,033	1,513,544	42,189,514	1,776,064
1992–93	17,388,136	215,174	74,401	900	21,020,158	1,444,586	38,482,695	1,660,660
1993–94	19,236,941	228,908	42,400	600	20,753,014	1,468,543	40,032,355	1,698,051
1994–95	17,229,941	186,135	—	—	22,012,900	1,407,250	39,242,841	1,593,386
1995–96	14,074,182	113,704	—	—	21,223,204	1,350,526	34,297,386	1,464,230
1996–97	13,588,165	132,708	—	—	22,342,299	1,205,667	35,930,464	1,337,963
1997–98[1]	7,110,025	29,116	—	—	14,565,570	295,481	21,675,595	324,597

[1] Only the first three quarters' figures are available

Local Authority Youth Services

Dr. Tonge: To ask the Secretary of State for Education and Employment if he will make a statement on the establishment of a statutory base for local authority youth services. [40136]

Dr. Howells: Local authorities have an existing duty under the Education Act 1996 to secure provision of adequate facilities for further education, of which the youth service forms a part. The Green Paper *The Learning Age* reaffirmed the Government's commitment to placing the youth service on a stronger footing. A consultation paper on the future of the youth service will be issued later this year.

Dentists (Training)

Mr. Livsey: To ask the Secretary of State for Education and Employment what was the average cost to public funds of training an NHS dentist in the last year for which figures are available. [40104]

Dr. Howells: The average cost to public funds of training a dentist over five years on the basis of 1996/97 figures was some £120,000 per student, including the costs to the NHS of providing clinical placements but excluding the cost of student support.

Higher Education Funding

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment if he will ensure that higher education funding is not reduced following the introduction of tuition fees. [41228]

Dr. Howells: As my right hon. Friend said in the House on 23 July 1997, *Official Report*, column 951, the Government will ensure that savings promised from the new funding arrangements for higher education are used to improve quality, standards and opportunities for all in further and higher education. As evidence of our intention, the funding package announced by my right hon. Friend on 23 September 1997 will allow an extra £165 million to be spent on higher education in 1998–99.

Graduate Earnings

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment what assessment he has made of the earnings of graduates relative to those of non-graduates; and what assessment he has made of the impact of gender on the earnings of graduates. [41593]

Dr. Howells: Compared with those who obtain the qualifications to go to university but choose not to do so, graduates on average see their earnings rise by broadly a fifth by their early 30s as a direct result of their higher qualifications.

Comparing the gross weekly earnings of people whose highest qualification is a degree with the gross weekly earnings of people whose highest qualification is 2 or more A levels shows that both male and female graduates earn more than male and female non-graduates throughout their working life.

The pattern of earnings for young women graduates is broadly similar to men, but diverges after the age of 30. Women's earnings are lower than men's on average, reflecting a greater likelihood of part-time work or time out of the labour force. However, after allowing for this, the earnings of graduates compared with non-graduates remains greater for women than men.

CULTURE, MEDIA AND SPORT

Sport (Lottery Funding)

Mr. Sanders: To ask the Secretary of State for Culture, Media and Sport what representations he has received in favour of making the care and repair of existing sports facilities eligible for lottery funding; and if he will make a statement. [41134]

Mr. Banks: I have received several representations calling for Lottery funding to be made available for the care and repair of existing sporting facilities.

The English Sports Council, who are responsible for the distribution in England of the Lottery Sports Fund, are in constant dialogue with the Local Government Association, Chief Leisure Officers and Governing Bodies of Sport about the need for the funding of existing sports facilities.

The Bill to reform the National Lottery will widen access to the benefits of the Lottery and allow a more strategic and co-ordinated approach to distribution to reflect identified needs. As part of this new approach, I hope the English Sports Council will plan to introduce in future a suitable programme under which existing sporting facilities can apply for funding from the Lottery.

Television Advertising

Mr. Dafis: To ask the Secretary of State for Culture, Media and Sport if he will take action to reduce the average number of minutes of advertising per hour on commercial television. [41461]

Mr. Fisher: Under the Broadcasting Act 1990 it is for the Independent Television Commission to determine the maximum amount of time to be given to advertisements on licensed television services.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Radioactive Materials (Dumping at Sea)

Mr. McGrady: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has held concerning the early release of files containing information on the historic dumping of radioactive materials at sea. [40871]

Angela Eagle: Representatives of the Committee of Nuclear Free Local Authorities raised questions about the availability of information on historic dumping of radioactive material at sea when they met the Minister for the Environment on 8 April. The Minister is writing to the Committee in response to the points raised.

Journey Lengths

Mrs. Curtis-Thomas: To ask the Secretary of State for the Environment, Transport and the Regions what percentage of all journeys made in Britain are *(a)* under one mile and *(b)* under four miles in length. [41131]

Ms Glenda Jackson: 29 per cent. of journeys made by residents of Great Britain are under 1 mile in length, and 63 per cent. are under four miles. (Data from the National Travel Survey, averaged over the years 1994–96.)

MV Rema

Mr. Prosser: To ask the Secretary of State for the Environment, Transport and the Regions how many times the merchant vessel Rema was inspected under port state control arrangements in the past five years; and if he will make a statement on the loss of the vessel. [40350]

Ms Glenda Jackson: Four port state inspections were carried out on the merchant vessel REMA in the UK in the past five years. An additional five inspections were carried out in other countries within the region of the Paris Memorandum of Understanding in the period since 20 August 1996. The Marine Accident Investigation Branch will be investigating the loss of the REMA on behalf of the Belize Authorities. A report detailing their findings will be published in due course.

Mr. Prosser: To ask the Secretary of State for the Environment, Transport and the Regions what were the minimum certificate of competency requirements for the seafarers on the vessel Rema; what was the issuing authority of those certificates of competency; and if the vessel complied with these on the day of her loss. [40349]

Ms Glenda Jackson: The minimum certificate of competency requirements for the seafarers on the vessel REMA being registered in Belize are stipulated by the International Merchant Marine Registry of Belize in accordance with Regulation V/13(b) of SOLAS. The vessel's Minimum Safe Manning Certificate, issued 10 February 1998, specifies One Master, One First Mate and One Engineer Officer. These were the only personnel required to hold certificates of competency. When the vessel was inspected in February 1998, the certificates of competency were issued by the International Merchant Marine Registry of Belize. It is not possible to say if the vessel complied with the requirements of the Minimum Safe Manning Certificate on the day of her loss.

Mr. Prosser: To ask the Secretary of State for the Environment, Transport and the Regions if he will provide details of the last port state control inspection of the vessel Rema, listing the areas of deficiency; and what actions were taken by the vessel's owners to remedy the deficiencies. [40354]

Ms Glenda Jackson: The last port State inspection of the vessel REMA in Montrose, UK, on 9 February 1998 resulted in detention of the vessel. It was released on 13 February 1998, after all detainable deficiencies had been rectified.

Deficiencies	*Action taken by owners*
Detainable deficiencies	
Captain unable to produce certificate of competency	Rectified
No personnel on board able to produce radio certificate	Rectified
Various navigation charts out of date	Rectified
Various nautical publications out of date	Rectified
No fire fighting system in paint locker	Rectified
Fire hose leaking	Rectified
No lifeboats or equivalent on board as required by SOLAS 60	Rectified
Radio batteries found dry and in need of replacement	Rectified

Deficiencies	*Action taken by owners*
Other deficiencies	
6" of oil in engine room	Rectified
Waste tank open to atmosphere	Rectified
No receipt on board for last waste tank discharge—Master informed	Not recorded
Navigation (NVC) white light not working	Rectified
Navigation (NUC) white light without appropriate bulb and shade	Rectified
Lifebuoy light not working	Rectified
Light out in engine room	Rectified
Mate's ticket has no STCW endorsement	Flag state/consul Informed by MCA
MF/HF wire antenna insulation readings very low—lead in insulator to be cleaned. Master instructed to rectify before departure.	Not recorded
MF/HF wire antenna connector to be re-made. Master instructed to rectify before departure.	Not recorded

Mr. Prosser: To ask the Secretary of State for the Environment, Transport and the Regions what the minimum manning requirements were for the vessel Rema; and if the ship complied with these on the date of her loss. [40352]

Ms Glenda Jackson: The minimum manning requirement for the vessel REMA, being registered in Belize, is as stipulated by the International Merchant Marine Register of Belize in the vessel's Minimum Safe Manning Certificate. When the vessel was inspected in Montrose in February 1998, the minimum safe manning required by Belize was four and it was noted that there was no Engineer Officer aboard. When this was queried, Belize responded by producing a Minimum Safe Manning Certificate for seven, including an Engineer officer, but the ship had life-saving appliances and accommodation for only five. As this was approximately the manning that could be reasonably expected on a vessel of this size and type, the REMA was released from detention with a crew of five, including an Engineer Officer, on the condition that the discrepancy between the Safe Manning Document and life saving appliance was rectified, by Belize, before departure from the next port after release from detention. Once again we cannot say whether there were five aboard the vessel at the time of her loss.

Mr. Prosser: To ask the Secretary of State for the Environment, Transport and the Regions on how many occasions the vessel Rema was detained following port state control inspections in the past five years; and if he will list the dates of and reasons for the detentions. [40351]

Ms Glenda Jackson: The vessel REMA was detained once following port state inspections in the UK in the past five years, and once by another member of the Paris Memorandum of Understanding in the period since 20 August 1996.

Date	*Reasons for detention*
9 February 1998 UK	Captain unable to produce certificate of competency No personnel on board able to produce a radio certificate Various navigation charts out of date Various nautical publications out of date No fire fighting system in paint locker Fire hose leaking No lifeboats or equivalent on board as required by SOLAS 60 Radio batteries found dry and in need of replacement

Note:
All detainable deficiencies were rectified before release on 13 February 1998

Date	*Areas of deficiencies*
14 March 1997 Germany	Hull damage impairing seaworthiness Decks cracking Railing cat walks Ventilator air pipes Anchoring devices Musters and drills Minimum safe manning certificates Charts Auxiliary engines Steering gear Certificates of competency

Yvette Cooper: To ask the Secretary of State for the Environment, Transport and the Regions if she will publish the report of the investigation into the loss of the 'Rema' vessel by the Marine Accident Investigation Branch. [41000]

Ms Glenda Jackson: The MAIB will be investigating the loss of the REMA on behalf of the Belize authorities. A report detailing their findings will be published in due course.

Port State Controls

Yvette Cooper: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the reasons for the detention of all Belize-registered vessels under Port State Control arrangements in the past five years. [40998]

Ms Glenda Jackson: The table gives details on the 23 Belize-flag vessels detained by the UK from April 1993 to March 1998.

Belize-flag vessels detained by United Kingdom: 1993–31 March 1998

Name of vessel	*Ship type*	*GT*	*Date detained*	*Date released*	*Place of detention*	*Reasons for detention*
Rose	General cargo	299	14/7/93	5/8/93	Topsham	Manning, fire-fighting and life-saving appliance deficiencies.
Eagle	Bulk carrier	499	5/1/94	28/1/94	Montrose	No certificated master or deck officer on board. Certificates issued by non-recognised authority.
Eastwind	Supply vessel	110	1/9/94	8/9/94	Grangemouth	No loadline certificate. No liferafts, no lifejackets, no certificated mate, inadequate navigation lights, inadequate charts and tide tables.

Belize-flag vessels detained by United Kingdom: 1993–31 March 1998

Name of vessel	*Ship type*	*GT*	*Date detained*	*Date released*	*Place of detention*	*Reasons for detention*
Westwind	Supply vessel	111	1/9/94	8/9/94	Grangemouth	No loadline certificate. No liferafts, inadequate navigation lights, no certificated mate, no pilot books or tide tables.
Caribe 1	General cargo	209	27/3/95	13/5/95	Newhaven	Numerous air vents and pipes not closing. Hatch covers not watertight, various weathertight doors not closing, seawater leaking into master's cabin. Numerous deficiencies in life-saving equipment. No stability information, no certificated officers other than master.
Claire	General cargo	2,774	4/10/95	6/10/95	Aberdeen	Starboard lifeboat engine inoperative. No emergency fire pump. Fuel oil emergency shut-off valves inoperative. Engine room fire hoses perished.
Atlantic Princess	Fish factory ship	1,322	10/10/95	13/10/95	Birkenhead	International oil pollution prevention certificate not on board. Oily water separator inoperative.
Tamar	Tug	161	21/12/95	5/1/96	Portsmouth	No satellite distress beacon (EPIRB). Liferafts incorrectly rigged. Liferafts incorrectly rigged and stowed. Bilges clogged with oil. Equipment missing from lifeboats. No master on board. Numerous additional deficiencies to load line, life-saving appliances, radio equipment and charts and publications.
Reina	General cargo	1,249	19/2/96	23/2/96	Teignmouth	Oily water separator inoperative. One certificated radio officer missing, survival craft hand-held VHF missing.
Tina M	General cargo	447	14/3/96	15/3/96	Plymouth	Ballast tank perforated due to grounding.
Seabreeze	General cargo	3,170	25/3/96	27/3/96	Tees	Lifeboard launching equipment inoperative. Bunker tank emergency shut-off valves inoperative. Main radio transmitter inoperative.
Orca	Fishing vessel	133	27/6/96	1/7/96	Holyhead	Liferafts incorrectly stowed and one expired. Distress flares expired. Fire extinguishers expired. Forecastle and accommodation doors unsecured.
Lucie	General cargo	919	3/7/96	4/7/96	Leith	Insufficient liferaft capacity for crew on board. Lifejackets lacking lights. No gas leak detectors. Spare gas bottles incorrectly stowed.
Reina	General cargo	1,250	3/7/96	9/7/96	Barking Creek, London	Main engine manoeuvring system defective. Fuel oil emergency shut-off valves inoperative. Fire dampers inoperative. Ballast tank vent pipes defective.
Tramp	General cargo	1,181	24/2/97	21/4/97	Newport	Main propulsion inoperative in astern mode. Galley fire door missing. Emergency radio batteries defective.
Veria	General cargo	574	2/7/97	4/7/97	Teesside	Number of crew on board less than that stated on safe manning certificate. Hold bilges unable to be pumped free of water. Hull corrosion at forepeak store. Fire main leaking. Not under command lights inoperative. Engine room vent flap unable to be secured.
Star Anna	General cargo	1,044	9/7/97	11/7/97	Mistley	Engine room and harbour generator fuel oil emergency shut-off valves inoperative. Oily water separator defective.
Almilan 1	Supply vessel	386	24/7/97	28/8/97	Marchwood	Safe manning certificate inadequate for intended voyage. Master's certificate invalid for vessel.
Ladoga-8	General cargo	1,511	18/9/97	20/9/97	Bromborough	Radio telephony operator missing. Lifeboat equipment incomplete engine vent trunking on deck missing in several places.
Skylark	General cargo	2,456	22/9/97	3/10/97	Goole	Oily water separator inoperative. Lifeboat thwarts and rudder damaged. Nautical publications missing. Navigation lights inoperative. Navtex receiver inoperative.
Niral	General cargo	1,948	17/10/97	21/10/97	Avonmmouth	Vessel operating beyond class limits. No valid exemption from carriage of radio telegraphy on board. Oil water separator inoperative.

Belize-flag vessels detained by United Kingdom: 1993–31 March 1998

Name of vessel	*Ship type*	*GT*	*Date detained*	*Date released*	*Place of detention*	*Reasons for detention*
Seacombe Trader	Bulk carrier	507	30/10/97	14/11/97	London	Oily water filtering equipment inoperative. Excess oily water in engine room bilges. Manning not in accordance with safe manning certificate. Emergency fire pump inoperative. Reserve radio battery defective. Charts for area of operation out of date. Hand-held radio missing. Fire hoses holed.
Sea Pink	General cargo	1,203	20/01/98	21/01/98	Hull	Emergency fire pump inoperative.
Rema	General cargo	748	09/02/98	13/02/98	Montrose	No lifeboat on board. Master unable to produce certificate of competency. No qualified radio officers on board. Charts out of date. Nautical publications out of date. Fire hose leaking. No fixed fire fighting system in paint locker. Radio batteries found dry and in need of replacement.

Yvette Cooper: To ask the Secretary of State for the Environment, Transport and the Regions *(a)* how many and *(b)* what percentage of vessels passing through British ports have been inspected under Port State Control arrangements (i) in the past year, (ii) in the past two years and (iii) in the past five years. [40999]

Ms Glenda Jackson: The number inspected during the periods requested is as follows:

PSC inspections by UK

	Number inspected	*% inspected*
April 1997–March 1998	1,890	27.6
April 1996–March 1998	3,770	27.5
April 1993–March 1998	10,239	30.4

Yvette Cooper: To ask the Secretary of State for the Environment, Transport and the Regions *(a)* how many and *(b)* what percentage of vessels that have been inspected by Port State Control arrangements have subsequently been detained (i) in the past year, (ii) in the past two years and (iii) in the past five years. [41007]

Ms Glenda Jackson: The number inspected and detained during the periods requested is as follows:

	Number detained	*% detained*
April 1997–March 1998	179	9.4
April 1996–March 1998	336	8.9
April 1993–March 1998	963	9.4

Yvette Cooper: To ask the Secretary of State for the Environment, Transport and the Regions *(a)* how many and *(b)* what percentage of vessels that have been detained following an inspection by the Port State Control (i) in the past year, (ii) in the past two years and (iii) in the past five years had *(a)* a British port of registry and *(b)* a Belize port of registry. [41009]

Ms Glenda Jackson: The number detained as figures and percentages of total detentions during the periods requested is given in the table. These figures are based on inspections conducted under the Paris Memorandum of Understanding on Port State Control. The British-flag vessels include those registered in overseas Territories.

Detention of British and Belize-flag vessels

	Number of British vessels detained	*Percentage of total detentions*	*Number of Belize vessels detained*	*Percentage of total detentions*
1997	18	1.1	50	3.1
1996–97	32	1.0	72	2.2
1993–97	68	0.9	92	1.2

Millennium Experience (Contaminated Soil)

Sir Raymond Powell: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 8 April 1998, *Official Report*, column *294*, if he will list *(a)* the names and locations of licensed landfill sites used in the disposal of contaminated soil from the area of the Greenwich Peninsula which is to be leased to the New Millennium Experience Company, *(b)* the names of contractors used for the disposal, *(c)* the statutory provisions under which consultations were carried out with local residents at selected licensed landfill sites, *(d)* the total cost of removal and *(e)* the cost to Government funds of the disposal. [40599]

Angela Eagle: The information requested is:

(a) the names and location of licensed landfill sites used, by owner are:

Shanks and McEwan (Southern Waste Services) Ltd.:

Calvert Landfill Site, Brackley Lane, Calvert, Buckinghamshire MK18 2EN

"L" Field Landfill Site, Green Lane, Stewartby, Bedfordshire MK43 9LZ

Brogborough Landfill Site, Woburn Road, Brogborough, Bedfordshire MK43 0TN

Weldon Landfill Site, Kettering Road, Welcon, Corby, Northamptonshire NN17 3JG

Biffa Waste Services Ltd.:

Redhill Landfill Site, Cormongers Lane, Nutfield, Redhill, Surrey RH1 4ER

Shakespeare Farm Landfill Site, Shakespeare Farm Road, St. Mary Hod, Rochester, Kent NE3 8RN

Welford Landfill Site, Welford Quarry, Cold Ashby, Northamptonshire NN6 7JF

Sandspinner's Ltd.:

Wootton Landfill Site, A508 (southbound), Collingtree, Northamptonshire NN4 0LY

EEB Cliff Ltd., Erith Group:

Mardyke Farm Landfill Site, Dagenham Road, South Hornchurch, Rainham, Essex

William Boyer and Sons Ltd.:

Area "A" Harmondsworth, Egglesey Farm, Harmondsworth, Middlesex

Leigh Environmental (Southern) Ltd.:

Wapsey's Wood Landfill Site, Oxford Road, Gerrard's Cross, Buckinghamshire SL9 8TE

Pioneer Aggregates:

Brazier Landfill Site, Ware Quarry, Westmill Road, Ware, Hertfordshire SG12 0AP

St. Albans Sand and Gravel Co. Ltd.:

Westmill Landfill Site, Watton Road, Ware, Hertfordshire, SG12 0ES

Hales Waste Control Ltd.:

Kilsby Landfill Site, Daventry Road, Kilsbury, Rugby, Warwickshire CV23 8XF

Thames Waste Management:

Norlands Lane, Thorpe, Egham, Surrey, TW20 8SS.

(b) the names of the main waste haulage firms who were employed as sub-contractors to the main contractors are:

Erith Haulage Group

Shanks and McEwan (Southern Waste Services) Ltd.

McArdle.

(c) The statutory provisions relating to consultation on applications for waste management licences, or applications to modify the conditions of licences, are set out in sections 36(4) and 37(5) of the Environmental Protection Act 1990 (as amended following the establishment of the Environment Agency). There is no statutory requirement for consultation with local residents. The objective of the licensing system is to ensure that waste is disposed of without harming the environment or human health and the Environment Agency has a statutory duty to supervise licensed sites. It is a criminal offence to dispose of waste in breach of licence conditions or in a manner likely to cause pollution of the environment or harm to human health.

(d) and *(e)* Separate figures are not maintained on the cost of removal which forms part of larger contracts. It is estimated that £8.2m was spent on removal and disposal of which an estimated £6m was a cost to Government funds.

Toxic Waste

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what agreements have been reached in respect of the importation of toxic waste from South Africa for disposal by Rechem in South Wales; what quantities are involved; and if he will make a statement. [41196]

Angela Eagle *[holding answer 8 May 1998]:* No agreements have been reached in respect of the import of toxic waste from South Africa. In March 1998, the Environment Agency received a request from the Government of the Republic of South Africa to export 5,550 tonnes of wastes into the United Kingdom over a three year period. The wastes in question were a mixture of polychlorinated biphenyls, pesticides and hexachlorobenzene, destined for disposal by high temperature incineration. This request was technically deficient and contained unacceptable caveats. It was therefore refused.

On 24 April 1998, a revised request was received from the Republic of South Africa for an increased total of 5,850 tonnes of wastes. The Agency is currently considering this request.

The Agency is obliged to consider each such "duly motivated request" on its own merits, within the terms of the policies set out in the United Kingdom Management Plan for Exports and Imports of Waste. It is Agency policy to determine a completed request within two months of receipt.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement in respect of the importation of toxic waste for incineration. [41195]

Angela Eagle *[holding answer 8 May 1998]:* The importation of waste into the UK is governed by Council Regulation EEC 259/93 on the supervision and control of shipments of waste within, into and out of the European Community (the Waste Shipment Regulation). The UK's policy is set out in the United Kingdom Management Plan for Exports and Imports of Waste, which came into effect on 1 June 1996. The Plan:

generally prohibits imports of waste from EC Member States for high temperature incineration in the UK after 1 June 1999. At present, imports are permitted on a reducing basis, to assist other Member States, pending completion of their own high temperature incineration facilities;

excepts Ireland and Portugal from this ban, as the Government accept that neither country produces sufficient hazardous wastes per year to make the provision of their own high temperature incinerators economically viable;

generally prohibits imports for high temperature incineration from OECD countries outside the EC, except in cases of emergency;

allows imports from developing (non-OECD) countries, where the UK Government or its Environment Agency are satisfied that the exporting country does not have and cannot reasonably acquire the technical capacity and necessary facilities to deal with the waste in an environmentally sound manner.

Maritime Rescue Subcentre (Liverpool)

Mr. Duncan Smith: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will review the decision to close the Maritime Rescue Subcentre in Liverpool; [41573]

(2) for what reason no operational reasons were given for the closure of the Maritime Rescue Subcentre in Liverpool; [41570]

(3) what estimate he has made of the saving resulting from the closure of the Maritime Rescue Subcentre in Liverpool. [41574]

Ms Glenda Jackson: The Coastguard Agency (now part of the Maritime & Coastguard Agency) issued a consultation document on 19 January which set out a 5-year strategy for Her Majesty's Coastguard. The document included, among other things, operational aspects of the proposed closure of four Coastguard stations and the co-location of two others. Analysis of the consultation, including the proposed closure of the

Liverpool Maritime Rescue Subcentre, is currently being considered and an announcement will be made shortly. During the life of the strategy, we expect there to be a major contribution to the cost of investment in the Service.

Correspondence

Mr. Winnick: To ask the Secretary of State for the Environment, Transport and the Regions when the hon. Member for Walsall, North will receive a reply to his letter of 30 March concerning a constituent, Ref PT/AG/PSO 7452/98. [41462]

Ms Armstrong: I replied to my hon. Friend's letter on Friday 1 May.

Trawsfyndd Power Station

Mr. McGrady: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on plans to decommission the nuclear power station at Trawsfyndd. [40872]

Mrs. Beckett: I have been asked to reply.

Subject to meeting the requirements of the Regulators, decommissioning of the Trawsfyndd nuclear power station is a matter for its operator, Magnox Electric plc, and I have asked the chairman to write to the hon. Member.

PRIME MINISTER

School Exclusions

Mr. Pound: To ask the Prime Minister if he will make a statement on the work of the Social Exclusion Unit on school exclusions and truancy. [41752]

The Prime Minister: I launched the Social Exclusion Unit last December, with a remit to co-ordinate and improve Government action to reduce social exclusion. As one of its first priorities, I asked it to report by Easter on how to make a step change in the scale of truancy and exclusions from school, and to find better solutions for those who have to be excluded. The Unit has worked closely on this task with other Government Departments, drawing on outside expertise and research, as well as a wide programme of visits and meetings and a written consultation exercise.

The Government have now reached their conclusions. These decisions, and the underlying analysis, are set out in the Unit's report *Truancy and School Exclusions*, published today. Copies of the report are available in the Libraries.

The report sets out what we know about the scale of truancy and exclusion.

Our information on both is imperfect. For truancy, figures compiled from registration statistics suggest that around 1 million pupils take at least one half day off without authority. But in confidential surveys pupils admit to much higher levels: one survey suggested nearly one in ten 15 year olds truanted at least once a week.

The numbers permanently excluded from school stand at around 13,000 a year and have been rising fast. Over 100,000 are excluded temporarily. 83 per cent. of excluded pupils are boys, and half are aged fourteen or fifteen. African Caribbean children are 6 times more likely than average to be excluded, and children in care 10 times more likely.

The causes of both problems are complex. Parents are responsible for ensuring that their children attend school, and poor parental supervision is often the cause of truancy. Peer group and community attitudes are also important, as are anxiety about exams, poor basic skills, fear of bullying or boredom with school.

The reasons for exclusions vary widely, from relatively minor issues which should not have warranted such a response, to serious, even criminal, behaviour. The rise in exclusion has been attributed to a wide mix of factors, including poor basic skills, limited aspirations and opportunities, high levels of family stress, as well as lack of training and support in schools, and pressures on academic standards.

More often than not, excluded children do not get reintegrated into school quickly, Those who are educated outside school rarely receive a full timetable and many get little more than a few hours tuition per week, and are otherwise left to their own devices.

Both truancy and exclusion are strongly associated with a range of other problems including unemployment and homelessness, but above all with crime. An Audit Commission study showed that nearly half of all school age offenders have been excluded from school and a quarter truanted significantly. The problems cut across departments and agencies and therefore require coherent solutions that involve not only schools, but also the police and social services, as well as parents.

There is much good practice to learn from. Where it is followed, exclusion and truancy have been greatly reduced. As a result, there are wide variations in the levels of exclusion and truancy between regions and between schools with similar intakes and results.

The report published today draws on the lessons of what works. It commits the Government to the goal of cutting levels of both exclusions and truancy by a third by 2002. The measure to deliver this span a range of departments and local agencies, as well as schools, parents and pupils, reflecting the multi-dimensional nature of the problem.

The national target will be underpinned by local authority level targets for truancy and exclusion reductions. The Government will consult on the detail of how targets should be set. The Secretary of State for Education and Employment will introduce an amendment to the Schools Standards and Framework Bill to permit school level targets for the worst performers on truancy.

The Crime and Disorder Bill introduces parenting orders for parents who fail to ensure their children attend school. The Home Secretary will introduce an amendment to the Bill to give the police a new power to pick up truants in areas where the local education authority has agreed with the Chief Constable designated places to where they may be taken.

To cut down on inappropriate exclusions, the Government will lay down clear rules on when exclusion is justified and give them legal force. There will be special Ofsted inspections for schools with particularly high levels of exclusions. Children excluded from school during the two GCSE years will stay in their original school for league table purposes, so there is no advantage in excluding poor performers.

The number of children from ethnic minorities who are excluded will be measured and reported at school level. The DfEE task group on raising achievement of ethnic minority pupils will look at what can be done to promote community mentoring in ethnic minority communities. There will be a major push to improve the school performance of children in local authority care, with more detailed proposals announced later this summer.

The Government will develop proposals to target more resources on preventive work with children at risk of exclusion. Local education authorities will also have incentives to provide more support to schools. There will be a requirement that all excluded pupils receive full time education so that their discipline or other problems are tackled in controlled environments and they are not abandoned to roam the streets. Decisions on the extra funding that is necessary, and on how funding will be organised, will be taken in the Comprehensive Spending Reviews. Full provision will be phased in over no more than three years.

In addition, Education Action Zones will have a special focus on areas with particularly high levels of exclusion and truancy, to give extra encouragement for innovative approaches to bringing them down.

A Ministerial Task Force under the Minister for School Standards will oversee the implementation of these policies.

Together, these measures will ensure that far fewer young people lose time from school. In the short-term, children themselves will benefit from keeping up with their education. The wider community will benefit from less crime. In the long-term there will be benefits as fewer young people leave school without qualifications.

These measures will require schools, police, and parents to play a part in ensuring that education is no longer optional, and they will end a situation where failure to attend school has been tolerated and sometimes even condoned.

Consultation Papers

Mr. Gordon Prentice: To ask the Prime Minister if he will list the consultation papers published since 1 May 1997, giving date of publication, closing date for submissions and, where relevant, the number of respondents. [39907]

The Prime Minister: The details requested by my hon. Friend are not held centrally and could be obtained only at disproportionate cost.

Lockerbie

Mr. Dalyell: To ask the Prime Minister what assessment Her Majesty's Government have made of the relevance of the evidence of Mr. James T. Thurman to the investigation into the Lockerbie bombing; and if he will discuss that evidence with the relatives of the victims. [41577]

The Prime Minister: My noble and learned Friend the Lord Advocate gave his assurance in another place on 25 June 1997, *Official Report, House of Lords*, column 1572, that he was satisfied on the information available to him that there was no reason not to proceed with the petition warrants issued in respect of the two Libyan accused. On 6 October 1995, the then Lord Advocate wrote to my hon. Friend confirming that proof of the case against the two Libyan accused does not depend on evidence which Mr. Thurman might give. That remains the position. The evidence available to the prosecuting and investigation authorities cannot be discussed while criminal proceedings are pending for fear of prejudicing the prospects of a criminal trial.

INTERNATIONAL DEVELOPMENT

Montserrat

Sir Alastair Goodlad: To ask the Secretary of State for International Development what representations she has made to the Governments of Caribbean and other countries where Montserrat citizens rendered homeless by volcanic activity are resident about their eligibility for social security and other benefits; and if she will make a statement. [40921]

Mr. Foulkes: Department for International Development (DFID) officials have raised this matter in discussions with the Governments in the region and in North America who have received the largest number of evacuees. These have indicated their willingness to allow Montserratian evacuees who are legally resident to have equal access to their education, health and social services as afforded to their own citizens. The United Nations Children Fund (UNICEF) survey will provide information on whether evacuees are experiencing any difficulties in this area.

Sir Alastair Goodlad: To ask the Secretary of State for International Development (1) when she will establish a charitable fund for Montserratian refugees in the Caribbean who are unable to become independent because of age or disability; what will be its size and scope; and if she will take a statement; [41026]

(2) what will be the cost to her Department of the Hardship Fund for Montserratian refugees in the Caribbean region; how many people will benefit; and if she will make a statement. [41031]

Mr. Foulkes: A Special Needs Fund (previously called the Hardship and Charitable Fund) is being established to support Non-Governmental Organisations assisting these groups. We have advertised, seeking expressions of interest from NGOs in the region. The size of the Fund will depend upon the initial response.

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will publish the six month scientific re-assessment of volcanic risks in Montserrat. [41035]

Mr. Foulkes: A summary of the latest scientific reassessment of volcanic risks was published by a joint committee of scientists from the British Geological Survey and the University of the West Indies on Montserrat on Tuesday 5 May. Copies are being made available to Montserratian community groups in the UK and in the region. I have today laid a copy in the Library of the House.

The full report will be available shortly.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what discussions her officials have conducted with officers of the Montserrat Building Society; and if she will make a statement. [40916]

Mr. Foulkes: Discussions have been limited to a brief presentation by Montserrat Building Society officers to Department for International Development (DFID) officials in January 1998. My officials passed on their comments to officials at the Foreign and Commonwealth Office, which is responsible for co-ordinating HMG's policy towards Montserrat, at the subsequent Montserrat Action group.

HMG has decided that we cannot support the Montserrat Building Society, a private institution, which is insolvent, only partially liquid and not commercially viable. This decision has been conveyed to the Government of Montserrat.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what discussions she has had with the *(a)* Red Cross and *(b)* other agencies about the future of food vouchers for citizens of Montserrat rendered homeless by volcanic activity; and if she will make a statement. [40920]

Mr. Foulkes: The Department for International Development (DFID) officials have regular contact with the Red Cross and other agencies about a range of matters concerning Montserratian citizens. We will shortly appoint Consultants to review the social welfare system on the island.

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will introduce a soft mortgage scheme for citizens of Montserrat. [41033]

Mr. Foulkes: My right hon. Friend the Secretary of State for International Development has previously said that she is prepared to provide funding for a soft mortgage facility. We have engaged consultants to identify regional financial institutions which might be interested in co-financing the project. We hope that it will be possible to reach agreement with such an institution by June.

Sir Alastair Goodlad: To ask the Secretary of State for International Development when she will publish the report by UNICEF into the needs of Montserratian evacuees in the Caribbean region. [41028]

Mr. Foulkes: We expect to receive UNICEF's report by the end of July and will discuss with them how the report's findings can be made publicly available.

Sir Alastair Goodlad: To ask the Secretary of State for International Development when she will publish the results of the feasibility study for an airstrip in Montserrat. [41034]

Mr. Foulkes: A draft airstrip feasibility study is currently under discussion between the consultants, HMG and the Government of Montserrat. We expect to receive a final report in June. The results of the study will be made known shortly thereafter.

Sir Alastair Goodlad: To ask the Secretary of State for International Development how many people in Montserrat are currently living in shelters; and when they will be rehoused. [41036]

Mr. Foulkes: There are currently some 512 people living in shelters. The vast majority of individuals with special needs and families currently in shelters will be re-housed by the end of this year.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what requests for assistance she has received from Governments other than Antigua who have received Montserratian refugees; and what has been her response. [41032]

Mr. Foulkes: The Government of St. Kitts and Nevis has requested assistance to cover additional costs related to providing Montserratian evacuees access to health, education and social services. We have told them we are not prepared to reimburse them directly for such costs, but would consider assistance for specific additional education or health facilities if there is an established need. No requests for assistance have been received from other Governments. Antigua has received a much larger number of Montserratian evacuees than any other country in the region.

Sir Alastair Goodlad: To ask the Secretary of State for International Development when she will publish the sustainable development plan for Montserrat. [40931]

Mr. Foulkes: We are currently considering a draft sustainable development plan with the Government of Montserrat. Assuming that agreement can be reached on the outstanding points this month, a draft will be made available to the public in June.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what proposals she has to assist the improvement of police accommodation in Montserrat. [41027]

Mr. Foulkes: We have just received outline proposals from the Government of Montserrat for the improvement of police accommodation on the island. These are under consideration and an announcement will be made in due course.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what proposals she has for future financial support for Montserrat citizens rendered homeless by volcanic activity; and if she will make a statement. [40929]

Mr. Foulkes: My right hon. Friend the Secretary of State for International Development has previously said that she is prepared to fund the servicing of additional land required to meet the needs of those remaining on Montserrat. The Department for International Development (DFID) and Government of Montserrat officials are discussing the amount of land required and the location. The Secretary of State has also indicated her willingness to provide funding for a soft mortgage facility.

When added to the housing we, and other donors, are already providing, these projects should meet the housing needs of the current population in shelters.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what assessment she has made of the employment prospects of Montserratians rendered homeless by volcanic activity who are resident in *(a)* Montserrat, *(b)* Antigua and *(c)* elsewhere; and if she will make a statement. [40915]

Mr. Foulkes: An assessment of Montserratians' employment projects was undertaken for the development of the small enterprise initiatives for Montserrat and Antigua. The conclusion was that assistance was required to improve employment and income earning potential: arrangements are now in place on Montserrat and planned to be later this month, on Antigua. The United Nations Children Fund (UNICEF) survey currently underway will provide the information on the employment prospects of those evacuees located elsewhere in the region.

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will provide a breakdown of how the funds so far spent on helping Montserrat deal with the volcanic crisis have been applied; and how the further £14 million committed will be applied. [41025]

Mr. Foulkes: Since the start of the crisis, the Department for International Development (DFID) has committed £62 million in assistance to Montserrat of which about £50 million has been spent: £16 million of budgetary aid and £34 million of emergency and development aid. Of the remaining £12 million, £7 million is additional budgetary support for 1998 with the balance being primarily allocated for housing.

Sir Alastair Goodlad: To ask the Secretary of State for International Development how many businesses have been started in Antigua by Montserratian evacuees with support from her Department; and at what cost. [41029]

Mr. Foulkes: A project to assist those Montserratian evacuees in Antigua wishing to start their own business is currently being developed with the assistance of regional consultants. We hope that the project will start by the end of May.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what will be the cost of the Community Empowerment Project for Montserratian evacuees in the Caribbean region; how many will benefit; and if she will make a statement. [41030]

Mr. Foulkes: Up to £250,000 has been allocated for the Community Empowerment Project. It is intended that the project will help Montserratian evacuees to become financially independent. All Montserratian evacuees in the region will be able to seek advice from the organisations supported by the project and to improve their access to host Government social services.

Environmental Resources Management

Mr. Matthew Taylor: To ask the Secretary of State for International Development if she will make a statement on the findings of the Environmental Resources Management report of March 1997, Evaluation of Environmental Performance of EC Programmes in Developing Countries. [41108]

Mr. Foulkes: The report, entitled *Evaluation of the Environmental Performance of EC Programmes in Developing Countries*, was recently published and distributed by the European Commission. The evaluation is acknowledged within and outside the Commission to have been a very useful exercise, which presents detailed findings and recommendations on aspects of policy and practice.

We are waiting for the Commission's response to the report. We then intend to monitor follow-up work and examine ways in which we can assist the Commission in their efforts. However, the Commission is reorganising its foreign policy services in order to rationalise and streamline policy formulation and implementation. This reorganisation can be expected to address many issues raised by the report. In particular, the Commission's capacity to implement recommendations should be strengthened as manpower and technical resource deficiencies are addressed. The Commission is also in the process of substantially revising its *Environment Manual* for development assistance. We welcome this positive action and would urge the commission to continue in this direction.

Development Assistance

Mr. Matthew Taylor: To ask the Secretary of State for International Development what steps she has taken to ensure that European Commission development assistance is spent in an effective and efficient way and that environmental and social procedures are improved and implemented. [41109]

Mr. Foulkes: We continue to seek to ensure resources are spent effectively and efficiently through dialogue with Commission officials in Brussels and in delegations, and through our active participation in the Commission's management committees. We have also seconded 13 staff to work in the external development Directorates-General to use their expertise to assist the Commission. Amongst those seconded are a social development adviser and a forestry specialist.

Although the European Commission's own internal project cycle management guidance stresses the importance of cross cutting issues such as environmental and social issues in the project cycle, continuing efforts are required to ensure this is always fully reflected in the design and implementation of projects and programmes.

This is why one of DFID's priorities during the UK Presidency has been to try and improve the poverty focus and effectiveness of the Community's aid programmes. This has involved reviewing the implementation of important previous policy resolutions, on poverty and gender, to see how effective we have been and consider what more needs to be done to improve performance and impact in these key areas. We expect conclusions on this work to be adopted at the Development Council on 18 May.

In addition, we are seeking to promote the integration of environmental and social issues into the programme and project cycle through: our participation on the Commission's Scientific Environmental Monitoring Group and the forestry and water expert groups; providing a project leader to prepare an EC/Member States strategy for bio-diversity conservation; working closely with the

European Commission to develop procedural guidelines on the integration of social and environmental issues into development projects.

TREASURY

Inward Investment

Mr. Alan Campbell: To ask the Chancellor of the Exchequer if he will list the inward investment projects located in intermediate status areas for which his Department permitted the higher development areas job subsidy limit to apply in each of the years from 1987 to 1992. [39723]

Mr. Geoffrey Robinson: From 1987 to 1992, the Treasury approved two offers of Regional Selective Assistance for inward investment into an intermediate status area where the cost per job ceiling for intermediate status areas was exceeded. Approval was granted in 1991 for Heller Machine Tools (UK) Ltd for a project in the West Midlands, and in 1989 for Koya Bearings (Europe) Ltd for a project in Yorkshire and Humberside.

Scottish Parliament

Mr. Tyrie: To ask the Chancellor of the Exchequer if he will ensure that the National Audit Office retains the necessary powers to audit the Scottish block, following the establishment of the Scottish Parliament. [40930]

Mr. Darling: The National Audit Office will retain the powers to audit the expenditure of the Secretary of State for Scotland, including the payment of grant into the Scottish Consolidated Fund. Expenditure out of the Scottish Consolidated Fund will be audited by an independent auditor or auditors reporting to the Scottish Parliament as provided for in clause 66(1)(c) of the Scotland Bill.

SCOTLAND

Public Appointments

Mr. Öpik: To ask the Secretary of State for Scotland how many and what proportion of his Department's appointees to non-departmental public bodies are (i) aged under 25, (ii) aged 25 to 30 and (iii) aged 31 to 35 years. [40739]

Mr. Dewar: The information is as follows: *(i)* 32, 1.0%; *(ii)* 123, 3.7%; *(iii)* 212, 6.4%.

Fisheries

Mr. Maclennan: To ask the Secretary of State for Scotland if he will list the criteria used by the Scottish Fisheries Protection Agency in drawing up their list of ports proposed for designation. [41353]

Mr. Macdonald: Proposals to introduce designated ports for vessels of 20 metres overall length or above landing non-pelagic fish into the UK were announced by the Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food, my hon. Friend the Member for Scunthorpe (Mr. Morley) on 3 March 1998, *Official Report,* column *593.* The proposed designated landing ports in Scotland are essentially those where the Scottish Fisheries Protection Agency currently has a Sea Fisheries Inspectorate office and where there is a recognised auction market. There are, however, two exceptions. Excluded from the list is the port of Arbroath where the local office will be closed on 1 July 1998 following a decrease of whitefish landings into the port. Scalloway has no SFI office, but has been included in recognition of the scale of landings made there. Additionally, the Scottish ports listed in the consultation paper account for approximately 90% of all non-pelagic landings in terms of tonnage and value made by the vessels to be included in the proposed scheme.

The proposed arrangements are currently the subject of a consultation exercise with the industry and harbour authorities. Careful consideration will be given to all comments received, including those relating to the list of ports which are to be designated.

NORTHERN IRELAND

Beef Exports

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland if exports of beef to the European Union have recommenced; what support she is giving to the Northern Ireland beef industry to regain their markets in Europe; and if she will make a statement about the prospects of the Northern Ireland beef industry. [40861]

Mr. Paul Murphy: While the Export Certified Herds Scheme has been approved, exports of Northern Ireland beef cannot resume until the European Commission sets a date for the lifting of the ban. That will depend on the outcome of the recent visit to Northern Ireland by European Commission Inspectors.

The industry has submitted a case for Government assistance towards regaining export markets as part of an overall redmeat development strategy agreed by the relevant industry interest. The case for Government support is being considered.

The Government recognise the importance of the beef sector to the Northern Ireland agricultural industry and is aware of the serious difficulties which it has faced since March 1996. Within the context of the declining long-term trend in consumption of beef and the direction of reform of the beef regime set out by the European Commission in Agenda 2000, the Government would wish to see the Northern Ireland beef industry re-establish itself as a significant force in export markets.

AGRICULTURE, FISHERIES AND FOOD

Cocoa

Mr. Dawson: To ask the Minister of Agriculture, Fisheries and Food what action he is taking to *(a)* support Ivory Coast cocoa producers in efforts to deal with black pod disease and *(b)* support Brazilian cocoa producers in efforts to suppress the witches broom fungus and to preserve rainforests in which cacao trees grow; and if he will make a statement on the threatened world shortage of chocolate. [41370]

Mr. Rooker: Despite the recent reports in the press, there is no evidence that black pod disease is adversely affecting cocoa production in the Ivory Coast. Nevertheless, a wide range of cocoa diseases are being tackled by the world-wide research programmes. The International Cocoa Organisation, of which the UK Government are an active member, is co-ordinating various projects aimed at combating cocoa diseases and addressing other difficulties affecting cocoa production. There is a specific project to fight witches broom disease in Brazil.

Quarantine

Mr. Evans: To ask the Minister of Agriculture, Fisheries and Food what plans he has for consultation over any proposed changes to the quarantine laws. [41001]

Mr. Rooker: I refer the hon. Member to the reply I gave to my hon. Friend the Member for Ogmore (Sir R. Powell) on 20 April 1998, *Official Report*, column *488*.

Departmental Research

Dr. Starkey: To ask the Minister of Agriculture, Fisheries and Food (1) what percentage of applications, in relation to his Department's research budget, were from women, for *(a)* project grants, *(b)* programme grants, *(c)* special grants intended for new investigators, *(d)* studentships and *(e)* fellowships, in 1997 and each of the two previous years; [40885]

(2) what percentage of applications from women, in relation to his Department's research budget, were successful for *(a)* project grants, *(b)* programme grants, *(c)* special grants intended for new investigators, *(d)* studentships and *(e)* fellowships, in 1997 and each of the two previous years. [40884]

Mr. Rooker: The Ministry places its R and D work, through contracts and commissions, with research establishments and universities rather than individuals. I regret, therefore, that the information sought in these questions is not available to us.

SOCIAL SECURITY

Lone Parents

Mr. Webb: To ask the Secretary of State for Social Security (1) if she will ensure that the Child Support Agency updates the common inquiry system when there are changes in the level of child maintenance owing to a lone parent receiving income support; and if she will make a statement; [40207]

(2) what is the average time taken between an application by the Benefits Agency to the Child Support Agency for child maintenance to be paid direct to a lone parent following a move off income support and implementation of that request; and if she will make a statement. [40211]

Mr. Keith Bradley: Regular payments of maintenance can transform the lives of lone mothers and their children, providing a stable income that can help them off Income Support and into work. We expect the Child Support Agency to provide a consistent, fair and efficient service to all its clients.

The administration of the Child Support Agency is a matter for the Chief Executive, Mrs. Faith Boardman. She will write to the hon. Member.

Letter from Faith Boardman to Mr. Steve Webb, dated 8 May 1998:

I am replying to your Parliamentary Questions to the Secretary of State for Social Security about maintenance due to parents with care who are receiving or moving off Income Support.

In cases where the parent with care is receiving Income Support and the maintenance liability changes, the Child Support Agency notifies the Benefits Agency to advise them of the change. Benefits Agency staff then access the Income Support Computer System and input the revised amount of maintenance liability, and Income Support is adjusted accordingly. This revised information will then be available via Common Enquiry Services.

Where the parent with care is moving off Income Support, the Benefit Agency notify the Child Support Agency of the date from which Income Support is no longer payable so that maintenance payments can be passed onto the parent with care.

Statistics are not collated on the time between the notification and payment as these details would not prove very informative due to the several factors that have an influence on when a payment is due and in turn actually made. The length of time is influenced by the complexity of the change, the payment preferences of the parent with care and the absent parent, and also the absent parent's pay frequency. It is therefore difficult to estimate an average length of time for this process.

The Agency is very aware of the need to deal with changes and ensure payments are passed on to the parent with care as quickly as possible. Where the change is straightforward all aspects can be dealt with in 2 weeks; in more involved cases (e.g., where a deduction from earnings order is in place) the change can take 8 weeks. During 1997–98, the Agency exceeded its Secretary of State target which required that 97% of payments be passed to the parent with care within ten days of receipt from the absent parent.

We are constantly looking at how we can adapt and improve our procedures to speed up the time taken. The timescales achieved for many cases have shortened over the last 2 years. Such an example is that the Agency is building more pro-active use of the telephone into its procedures between assessment and first payment to ensure that timescales are shortened wherever possible. The vast majority of payment advice is now conducted by telephone.

As part of the Welfare to Work programme, the Agency is committed to ensuring that the disincentives and barriers to entering employment are minimised, and that obstacles are removed which jeopardise the prospect of lone parents moving from welfare dependency to work. The Agency has agreed to process as a priority cases where the parent with care has signed up to a New Deal for Lone Parents Action Plan. Also the Agency has agreed to answer straightforward inquiries from New Deal for Lone Parents Personal Advisers on behalf of lone parents immediately, and more complex ones within five working days.

As the Department moves towards a more Active Modern Service, one of the key elements is to provide staff with a system which cuts across all Agencies where they will have access to information regarding payments and records of other Social Security systems. This should alleviate problems encountered by staff acting in ignorance of information held by other Agencies.

I hope this is helpful.

Focus Group Research

Mr. Webb: To ask the Secretary of State for Social Security, pursuant to her answer to the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb), of 21 April 1998, *Official Report*, columns *607–08*, on focus group research, if she will list for each research project *(a)* the expected completion date and *(b)* the means by which the findings from the completed research projects will be made public. [40836]

Mr. Field: The expected completion dates of those projects which were commissioned as part of the Department's Research Programme, and which relate to the development and evaluation of policy, are as follows:

1998: April–June

Alan Hedges—Pensions and Retirement Planning.

Centre for Research in Social Policy, Loughborough University—Invalidity Benefit and the contributory principle.

Market Opinion Research International—Attitudes towards disability benefits.

Market Opinion Research International—Attitudes towards welfare reform.

1998: July–September

Social and Community Planning Research—Work Incentives and Intermediaries.

Social and Community Planning Research—Survey of Women; developmental work.

Newchurch and Company—Child Support Agency customer and compliance research.

British Market Research Bureau International—Attitudes towards housing benefits.

Institute for Employment Studies—People management in DSS Headquarters (summary report).

1998: October–December

Social and Community Planning Research—Take Up of Income Support amongst Older Citizens.

Social and Community Planning Research—Preparation for Women's Juries.

1999: January–March

Alan Hedges—Behavioural Response to the evidence requirements.

2000: Summer

Centre for Research in Social Policy, Loughborough University—Earnings Top Up Staff Panel.

The ongoing contract with Social and Community Planning Research for qualitative research on welfare reform issues allows us to commission small projects as required.

All studies within the Department's Research Programme will be published. Decisions on means of publication are not taken until the project has been completed.

As explained in my written answer to the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) on 29 April 1998, *Official Report*, columns *170–72*, reports for those contracts commissioned to develop and evaluate publicity campaigns or to inform other presentational issues, would be published once the decision-making process is completed and/or the relevant publicity campaign has started. Two projects are nearing completion and will be placed in the Library by the end of July:

One World—New Deal for Lone Parents; development of publicity work

Cragg Ross Dawson—Creative Development Research for a New Deal for Lone Parents Newsletter.

Public Bodies

Mr. Öpik: To ask the Secretary of State for Social Security how many and what proportion of her Department's appointees to non-departmental public bodies are (i) aged under 25, (ii) aged 25 to 30 and (iii) aged 31 to 35 years. [40735]

Mr. Denham: The information is set out in the table.

Non-Departmental Public Body	*Total number of appointees*	*Number and proportion of appointees aged*		
		under 25	*aged 25–30*	*aged 31–35*
Central Advisory Committee on War Pensions (CACWP)[1]	20	0	0	0
Child Support, Disability, Medical & Social Security Appeal Tribunals and Vaccine Damage Tribunals	5,929	0	15 (0.3%)	72 (1.2%)
Disability Living Allowance Advisory Board (DLAAB)[2]	20	0	0	0
Industrial Injuries Advisory Council (IIAC)[3]	15	0	0	2 (13%)
Occupational Pensions Regulatory Authority	9	0	0	1 (11%)
Pensions Compensation Board	3	0	0	0
Pensions Ombudsman	1	0	0	0
Social Security Advisory Committee	13	0	0	0
War Pensions Committees (WPCs)[1]	858	0	0	0
Women's National Commission (WNC)[4]	52	—	—	—

[1] The legislation which governs CACWP and the WPCs requires there to be, among others, representatives of ex-service organisations or persons with ex-service experience. Many of the ex-service organisations, from which the appointees are drawn, have problems recruiting younger members which effects the scope of interested individuals from which suitable candidates can be selected.

[2] Members of DLAAB are required to be professionally qualified and/or experienced which makes it difficult to appoint people under 36.

[3] 50 per cent. of posts on IIAC are nominated by organisations representing employees and employers. These organisations are aware of the principles that should govern appointments to public bodies and additionally, have been sent Guidance produced by the Commissioner for Public Appointments on nominating people for public service. The other 50 per cent. need to come from experts in the field of occupational health and related fields. If their advice is to carry the required authority and weight these appointees need to be drawn from the top of their profession. People who have reached a position of eminence in their professional field will tend to be at the higher end of the age scale.

[4] The WNC membership is determined by the individual member organisations and therefore no records concerning the appointees are kept by this Department.

The Government are committed to encouraging a wide range of candidates to apply for positions on the boards of public bodies, reflecting the diverse society in which we live. This includes encouraging more young people to put themselves forward as potential candidates for public appointments. All appointments are made on merit and candidates must demonstrate that they have the necessary skills and experience to match the needs of the public body on which they wish to serve.

Benefit Integrity Project

Mr. Kirkwood: To ask the Secretary of State for Social Security on what dates each of the monthly statistics for the Benefit Integrity Project for each month since November 1997 were placed in the Library; and when the next monthly statistics will be available. [41504]

Mr. Denham: A full set of Benefit Integrity Project statistics up to the end of March 1998 was placed in the Library on 8 May 1998. Owing to an error, statistics relating to earlier months were not previously placed in the Library.

The release of statistics for February and March was delayed as work was undertaken to improve presentation of the data. The Disability Benefits Consortium have been invited to comment on the revised format. Their comments and suggestions will be reflected in the presentation of statistics relating to May 1998 and beyond.

Any comments Members may have on the new format would also be welcome.

TRADE AND INDUSTRY

Plutonium Dispersal

Mr. Baker: To ask the President of the Board of Trade if she will adopt a plutonium dispersal strategy. [40329]

Mrs. Beckett *[holding answer 7 May 1998]:* All civil plutonium in the United Kingdom, whether separated or in spent fuel, is stored safely and securely under relevant national and international regulations. It is for the owners of spent nuclear fuel and plutonium to choose their preferred management options subject to meeting the necessary environmental and regulatory requirements.

Nuclear Waste

Mr. Jim Cunningham: To ask the President of the Board of Trade what plans she has to review current policy on the reprocessing of nuclear waste. [41167]

Mr. Battle: Almost all spent nuclear fuel can be recycled to provide further energy supplies, and accordingly is not classified as waste. The Government have no plans to review their current policy on the management of spent nuclear fuel, which was set out most recently in the policy document entitled "United Kingdom Civil Nuclear Policy including Plutonium", a copy of which was placed in the Library of the House on 30 January.

Mr. Jim Cunningham: To ask the President of the Board of Trade what assessment she has made of *(a)* the economic benefits and *(b)* the safety implications of (i) dry storage and (ii) reprocessing of nuclear waste. [41168]

Mr. Battle: Almost all spent nuclear fuel can be recycled to provide further energy supplies and accordingly is not classified as waste. Government policy is that it is for the owner of spent nuclear fuel to determine the economic aspects of the various options for its management. The Health and Safety Executive will ensure that no option is carried out unless it meets adequate standards of safety.

Mr. Llew Smith: To ask the President of the Board of Trade what quantities of spent fuel have been reprocessed to date through the Thorp Plant at Sellafield; and if she will list the throughput targets provided to her Department by BNFL before active commissioning of the plant in March 1994. [40637]

Mrs. Beckett: I understand from BNFL that, as at the end of March 1998, the Thorp plant had sheared some 1,450 tonnes of spent fuel since the plant was actively commissioned in March 1994.

In July 1993 BNFL published a document entitled 'The Economic & Commercial Justification for Thorp'. That document stated that the expected throughput for the first ten years of Thorp's operation would be 7,000 tonnes.

I understand that there are currently no plans to change this target.

Mr. Llew Smith: To ask the President of the Board of Trade what is the current estimated cost of refurbishment of the reprocessing facility at Dounreay to be used to process the uranium fuel recently received from Georgia; when the plant is expected to be ready; and what further foreign customers she expects to use the plant. [40670]

Mr. Battle: The unirradiated fuel, which amounts to eighty per cent of the uranium fuel received from Georgia, will be processed in existing equipment at Dounreay which does not require refurbishment. It is likely to be two years before the remaining twenty per cent., which has been irradiated, will be reprocessed. This could be done in one of a number of different plants and a decision has yet to be made about which one to use. As the plant used will also be used to reprocess other material, it is not possible to say at this stage what share of the refurbishment cost will fall to the irradiated Georgian fuel.

Mr. Llew Smith: To ask the President of the Board of Trade what arrangements currently govern the period over which radioactive waste arising from reprocessing foreign fuel at Dounreay may be stored at the site before it is repatriated to the country of origin; and if he will place in the Library a specimen contract covering such arrangements. [40641]

Mrs. Beckett: All waste arising from reprocessing activities at Dounreay will continue to be stored in accordance with the regulatory requirements in force at the time. UKAEA contracts for reprocessing foreign nuclear materials are commercially confidential but they all comply with Government policy on nuclear waste repatriation (in force since 1976) by including a clause stipulating that waste will be returned. In all such cases this return of waste condition is backed by a Government to Government agreement. The Georgian highly enriched uranium (HEU) was recently transferred to Dounreay to improve international security. In this case, an exception

to the general policy on return of waste was agreed because the Georgians do not have the capability to deal with the small quantity of waste involved.

Engineering Design

Mrs. Curtis-Thomas: To ask the President of the Board of Trade what initiatives the Government are taking to promote United Kingdom engineering design during their Presidency of the EU. [41104]

Mr. Battle: As well as the on-going promotion of design by the Design Council and Business Link, during the term of the UK Presidency the Government have promoted the best use of design, including engineering. Most recently, on 2 April my right hon. Friend the Prime Minister launched the 'powerhouse::uk' exhibition in London. Funded by DTI as a showcase of British design and creativity, the exhibition was timed to coincide with the second ASEM Summit, attracting some 20,000 visitors over a two-week period, and included examples of world class UK engineering.

In addition, last September, my right hon. Friend the Prime Minister launched the Millennium Products project which is managed by the Design Council. The project aims to identify up to 2,000 successful products and services that have been created in the United Kingdom and which exemplify our creativity and innovation. The first 200 products to receive the accolade 'Millennium Product' were announced in April.

International Trade

Ms Drown: To ask the President of the Board of Trade if she will make a statement on the values of imports to the United Kingdom from and exports from the United Kingdom to *(a)* Malaysia, *(b)* Thailand, *(c)* Argentina, *(d)* Brazil, *(e)* Venezuela, *(f)* Peru, *(g)* Zambia, *(h)* Tanzania and *(i)* Egypt in each of the years between 1987 and 1997. [39681]

Mrs. Beckett: The available information is given in the table:

£ million

	1987	*1988*	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*
UK exports of services											
Malaysia	258	311	441	602	591	636	966	1,310	1,190	1,160	1,206
Thailand	207	281	429	417	466	475	664	749	835	974	862
Argentina	10	13	14	35	70	119	179	229	234	332	487
Brazil	348	305	339	320	339	273	415	525	675	847	1,028
Venezuela	158	178	125	205	167	189	227	197	179	180	204
Peru	49	31	30	29	33	31	33	45	58	63	86
Zambia	75	86	119	93	63	65	74	45	50	52	46
Tanzania	92	89	93	85	73	79	109	89	87	82	77
Egypt	342	289	296	298	283	252	337	369	384	431	499
UK imports of goods											
Malaysia	397	526	676	776	914	1,104	1,397	1,204	1,489	2,381	2,026
Thailand	239	321	444	484	635	643	772	914	1,040	1,188	1,222
Argentina	65	66	99	144	136	125	141	171	252	285	270
Brazil	637	740	817	720	766	886	904	919	987	983	955
Venezuela	92	77	111	102	100	138	126	134	204	189	157
Peru	92	91	126	97	84	92	126	113	123	130	148
Zambia	30	25	22	19	22	7	12	13	19	18	32
Tanzania	26	27	23	26	21	21	26	22	27	29	33
Egypt	127	164	213	145	136	137	188	252	247	282	270
UK exports of services											
Malaysia	n/a	227	244	272	271	315	358	404	454	580	n/a
Thailand	n/a	171	196	225	230	201	233	260	338	335	n/a
Brazil	n/a	n/a	n/a	n/a	n/a	192	209	218	258	266	n/a
UK imports of services											
Malaysia	n/a	81	167	180	177	137	163	188	194	220	n/a
Thailand	n/a	115	161	178	141	172	210	216	273	274	n/a
Brazil	n/a	n/a	n/a	n/a	n/a	49	56	63	68	73	n/a

Notes:

Figures for trade in goods are on an Overseas Trade Statistics (OTS) basis. Figures for trade in services are on a Balance of Payments (BOP) basis.

Figures for trade in services are available only for approximately forty of the UK's largest trading partners and generally only from 1988. Information for many of the countries requested is not available. Services data for 1997 will be available in August 1998.

Sources:

Overseas Trade Statistics of the United Kingdom, HM Customs & Excise
Monthly Review of External Trade Statistics (MRETS), ONS
UK Balance of Payments, The Pink Book, ONS

Exploration Wells

Mr. Page: To ask the President of the Board of Trade how many exploration oil and gas wells were drilled in the first quarter of (i) 1997 and (ii) 1998. [40348]

Mr. Battle *[holding answer 6 May 1998]:* Twenty-one exploration wells for oil and gas commenced drilling in the first quarter of 1997. In the same period of 1998, thirteen exploration wells were started.

Petrol Consumption

Mrs. Curtis-Thomas: To ask the President of the Board of Trade what is the annual per capita petrol consumption in *(a)* the United Kingdom, *(b)* Germany, *(c)* Holland, *(d)* Sweden and *(e)* the USA. [41133]

Mr. Battle: The latest full year for which data for all five countries are available is 1996, and are given in the table:

Petrol consumption per capita 1996

Country	*Tonnes per head of population*
United Kingdom	0.38
Germany	0.37
Holland	0.27
Sweden	0.48
U.S.A.	1.27

Source:
International Energy Agency

UKAEA Constabulary

Mr. Matthew Taylor: To ask the President of the Board of Trade (1), pursuant to the oral answer of 27 April 1998, *Official Report*, column 21, what is the current force establishment of the UKAEA Constabulary; and what is the planned establishment for each of the next three years; [41084]

(2) if she will list the sites policed by the UKAEA Constabulary in each of the last five years, indicating *(a)* when they first assumed responsibility and *(b)* when they ceased to have responsibility; [41088]

(3) pursuant to the oral answer of 27 April 1998, *Official Report*, column 21, over what period of time the Chief Constable had raised his concerns about police numbers at *(a)* Dounreay and *(b)* other nuclear installations; [41090]

(4) pursuant to her answer of 30 April 1998, *Official Report*, column *237*, what reviews have been commissioned which have still to report; what sites these relate to; and if she will make a statement; [41092]

(5) pursuant to her answer of 30 April 1998, *Official Report*, column *237*, if she will list the two sites referred to; what was the increase in staff; for what period of time the increases were agreed; and what was the consequential effect on the overall police establishment; [41083]

(6) if she will list the category of each site for which the UKAEA Constabulary had responsibility over the last five years indicating when category changes took place and the associated change in police establishments; [41089]

(7) pursuant to the oral answer of 27 April 1998, *Official Report*, column 21, what conditions were attached to the agreement for an increase in police numbers at Dounreay; [41091]

(8) pursuant to the oral answer of 27 April 1998, *Official Report*, column 21, for which sites in each of the last three years the Chief Constable has requested extra police staffing; on what dates; and with what outcome; [41087]

(9) pursuant to the oral answer of 27 April 1998, *Official Report*, column 21, on what occasions the Chief Constable has made representations on UKAEA police numbers to ministers in the past five years; in relation to which sites; and with what outcome. [41082]

Mr. Battle *[holding answer 6 May 1998]:* The UKAEA Constabulary polices sites at Chapelcross, Risley, Sellafield, Springfields, Capenhurst, Dounreay, Harwell, and Winfrith. It assumed responsibility for policing these sites in 1955, with the exception of Chapelcross and Winfrith, where the relevant dates are 1956 and 1957 respectively.

The current force establishment of the UKAEA Constabulary is 471. Police numbers at all sites are subject to a continuing process of review and are approved as necessary by the Police Authority in the light of developing requirements. It is normal security practice not to reveal details relating to the police establishment at particular sites, or the security category of those sites, because this information is of potential use to criminals. The Chief Constable's requests for extra staffing in the past three years have been met in full. He has made no representations to Ministers on UKAEA Constabulary numbers.

Mr. Matthew Taylor: To ask the President of the Board of Trade, pursuant to the oral answer of 27 April 1998, *Official Report*, column 21, if she will list the membership of the UKAEA Police Authority, indicating for each member their current employment. [41085]

Mr. Battle *[holding answer 6 May 1998]:* The members of the Police Authority are Mr. J. Bretherton, Director Corporate Services, UKAEA; Dr. R. L. Nelson OBE, Director of Dounreay, UKAEA; Dr. E. Drage, Director Euratom, Nuclear Safety, Security and Emergency Planning, Department of Trade and Industry (advised by the Director of Civil Nuclear Security); Dr. R. Howsley, Head, Security and International Safeguards, British Nuclear Fuels plc (BNFL); Mr. G. R. Smith, Head of Sellafield site, BNFL; and Dr. P. Upson, Managing Director Technical, Urenco Limited. Sir John Woodcock CBE QPM, Police adviser to the UKAEA Police Authority, also attends Police Authority meetings.

Energy Sources

Sir Raymond Powell: To ask the President of the Board of Trade when she expects the review of energy sources for power generation to be completed. [38826]

Mr. Battle: The review is expected to reach conclusions before 30 June.

Chernobyl

Mr. Llew Smith: To ask the President of the Board of Trade what has been the total cost to *(a)* the European Union and *(b)* the United Kingdom of work done at the Chernobyl site since the accident on 26 April 1986. [40634]

Mr. Battle: At the 1992 Summit in Munich, G7 leaders launched a programme of nuclear safety assistance for the countries of Eastern Europe and the Former Soviet Union. Although the EU was providing some help in identifying options for dealing with the sarcophagus, Chernobyl was not a target for nuclear safety assistance as Ukraine planned to close the plant by the end of 1993. Following

the Ukrainian Parliament's reversal of that decision in late 1993, the EU at the 1994 Corfu Summit offered Ukraine an action plan leading, amongst other things, to the closure of Chernobyl. After extensive negotiations, the G7 countries, European Commission, and Ukraine signed a Memorandum of Understanding in 1995 which provided for support for Ukraine's energy sector, including help with nuclear safety at Chernobyl and the decommissioning of the plant. The MOU commits Ukraine to close the plant by the year 2000. Of the 100 mecu Tacis assistance offered by the EU at Corfu, 60 mecu has been allocated for work on site. This includes a site survey (0.5 mecu), development of a plan for dealing with the sarcophagus (2.5 mecu) and turnkey projects for three decommissioning facilities (38.5 mecu). An on-site assistance team is now in place primarily to help with the procurement of these facilities.

In 1993, the UK's Know How Fund supported completion on a £217,000 land remediation study for the benefit of Ukraine's Ministry of Chernobyl Affairs. The EU has financed a number of studies linked to the development of an optimal management route for dealing with the different types of contamination around the site.

The EU has also contributed 20 mecu to the EBRD-managed Nuclear Safety Account. Of the UK's £18.25 million contribution to that account, £10 million has been specifically scheduled for the Ukraine. The commitments to this fund stand at 270 mecu and the 118 mecu project for Chernobyl includes safety upgrades for Unit 3, as well as a liquid radwaste treatment plant and a spent fuel interim storage facility to assist with decommissioning.

The G7 and the Ukraine have now agreed on a Shelter Implementation Plan to ensure that the sarcophagus is transformed into a safe and environmentally stable condition. The EU has pledged $100 million to the fund which has been set up to finance this plan. The UK is making a separate bilateral donation of $16.8 million. A project management team has now been appointed and tendering will shortly begin for the first stage of the work. A £20,000 UK Government-financed study into the options for treating the water trapped in the sarcophagus is shortly to be made available to the project management team.

Arms Exports

Ann Clwyd: To ask the President of the Board of Trade what human rights considerations were taken into account when *(a)* refusing and *(b)* granting the ML1 licences to Indonesia. [40389]

Mr. Fatchett: I have been asked to reply.

All applications for licences to export goods entered in Part III of Schedule 1 to the Export of Goods (Control) Order 1994 to Indonesia or any other country, are considered against the criteria announced by the Foreign Secretary on 28 July 1997, *Official Report*, columns *26–29*. The criteria are also used for considering applications for the export of dual-use goods where there are grounds for believing that the end-user would be the armed forces or the internal security forces of the recipient country. The criteria include consideration of respect for human rights and fundamental freedoms in the recipient country and the risk of the proposed export being used for internal repression.

Vehicle Licensing

Mrs. Ray Michie: To ask the President of the Board of Trade if she will list the costs for each year since 1987 of posting licensing reminders to all licensed vehicle owners. [41048]

Ms Glenda Jackson: I have been asked to reply.

Following are the postage costs, for financial years 1987–88 onwards, of vehicle licensing reminders:

£ million

Year	*Vehicle reminder postage costs*
1987–88	2.6
1988–89	2.7
1989–90	2.9
1990–91	3.3
1991–92	3.7
1992–93	3.8
1993–94	3.9
1994–95	3.9
1995–96	4.2
1996–97	4.3
1997–98	4.5

HEALTH

EC Workshop on Sexuality

Sir Richard Body: To ask the Secretary of State for Health, pursuant to his answer of 3 July 1997, *Official Report*, column *229*, when he expects to give a substantive reply to the hon. Member for Boston and Skegness relating to the EC Workshop on Sexuality. [31232]

Ms Jowell: I wrote to the hon. Member on 6 May 1998. Copies of this letter have been placed in the Library.

In my answer of 3 July 1997, *Official Report*, column *229*, I indicated that I was providing the hon. Member with information available to me at the time about the European Community funded workshop on sexuality. There is now some doubt about whether the workshops were ever held in the United Kingdom, and my letter of 6 May sets out the latest information in full.

Silicone Breast Implants

Ann Clwyd: To ask the Secretary of State for Health (1) how many women have received silicone breast implants in each of the last five years on the NHS; and if he will estimate the number of women who have received such implants privately; [23010]

(2) how many women have had their silicone breast implants removed on the NHS due to rupturing in each of the past five years; and if he will estimate the equivalent figure for private health care. [23011]

Mr. Boateng: The available information for the National Health Service is in the table. We record the number of episodes in which a breast implant was

inserted, the number of implants removed and the number of revision operations. Whether the implants were filled with silicone-gel or another material is not known. There are no equivalent figures for the private sector.

Number of episodes by primary operation; ordinary admissions and day cases combined, NHS hospitals, England

Operation	*1991–92*	*1992–93*	*1993–94*	*1994–95*	*1995–96*
Breast implants[1]	1,514	1,680	1,234	1,320	1,435
Revision/ removal[2]	289	333	274	363	412
Total	2,188	2,457	1,860	2,097	2,362

[1] *Breast implants*
B30.1 Insertion of prosthesis for breast.
B31.2 Augmentation mammoplasty.
B31.8 Other specified plastic operations on breast.
[2] *Revision/removal*
B30.2 Revision of prosthesis for breast.
B30.3 Removal of prosthesis for breast.
Note:
Data in this table are grossed for both coverage and unknown/invalid clinical data.
Source:
Department of Health, Hospital Episode Statistics.

Hepatitis C

Judy Mallaber: To ask the Secretary of State for Health when he expects to be able to make an announcement on the claim for recompense by haemophiliacs infected with hepatitis C as a result of treatment with contaminated blood products; and when he will be writing to the Haemophilia Society on this matter. [41008]

Mr. Boateng: We fully recognise that those who have made representations on this subject are disappointed that we have not as yet announced our conclusions on the matter. This is, however, a very complex issue which we are still considering. We will announce the outcome of our deliberations, and write to the Haemophilia Society, as soon as we are in a position to do so.

Children's Rights Commission

Mr. Dawson: To ask the Secretary of State for Health what discussions he has had about the office of Children's Rights Commissioner as part of the work leading up to the United Kingdom's response to the United Nations Committee on Children's Rights; and if he will make a statement. [41369]

Mr. Boateng: On 12 January 1998, I met a delegation to discuss possible ways of assessing the potential value of a Children's Rights Commissioner for England. We asked officials to prepare an initial assessment of the progress made by other countries who have established a Children's Rights Commissioner or similar office. We expect that report by the end of June. Thereafter, we will consider whether further work should be initiated and within what timetable. The preparation of the United Kingdom's second report on the implementation of the United Nations Convention on the Rights of the Child is expected to be concluded by the end of 1998 and the report will be published early in 1999. Copies will be placed in the Library.

Civil Service Rebuttal Officer

Mr. Malcolm Bruce: To ask the Secretary of State for Health if he has appointed a civil service rebuttal officer in his Department; and if he will make a statement. [41165]

Mr. Dobson: The Department's communications planning unit includes a rebuttal officer whose job is to make more systematic and orderly the process of responding to criticism of Government policy, and in particular to inaccurate or misleading allegations. This role complies with the official Civil Service "Guidelines on the Work of the Government Information Service" and the person appointed is a career civil servant who reports to a career civil servant.

Communications Planning Unit

Mr. Malcolm Bruce: To ask the Secretary of State for Health if he will list *(a)* the cost of establishing and *(b)* the annual running cost of his communications planning unit; for what reason the unit is to be financed from public funds; and if he will make a statement. [41164]

Mr. Dobson: As endorsed in the Report of the Working Group on the Government Information Service (Mountfield Report), the Department's communications planning unit was set up to provide better co-ordination of news handling. The total basic staff cost of the unit is estimated at £86,000, which is from existing running costs. All the staff involved were already employed by the Department.

Teaching Hospitals (London)

Mr. Duncan Smith: To ask the Secretary of State for Health what financial transitional support was available to London teaching hospitals in 1994–95, 995–96, 1996–97 and 1997–98. [41571]

Mr. Milburn: The information requested is provided in the table.

Transitional support to London teaching hospitals 1994/95–1997/98

£000

Year	*Total*
1994–95	61,892
1995–96	51,823
1996–97	41,716
1997–98	48,869

Notes:
(i) Trusts included in total are: King's College, Guy's & St. Thomas', St. George's, Royal Hospitals, University College Hospital London, Hammersmith, St. Mary's, Chelsea and Westminster
(ii) In addition to the above, financial transitional support has been made available over the period to other London trusts and to London health authorities. The total central funding for London was included in the Turnberg Report

Waiting Lists

Mr. Malcolm Bruce: To ask the Secretary of State for Health when he will publish the next set of quarterly waiting lists statistics; and if he will make a statement. [41166]

Mr. Milburn: The next set of quarterly waiting list statistics for England will be published in week commencing 18 May 1998. The figures will be based on provisional information from health authorities and trusts and will show the position on 31 March 1998.

NHS Finances (London)

Mr. Duncan Smith: To ask the Secretary of State for Health when the weighted capitation formula, and the market forces factor, will be reviewed for London. [41572]

Mr. Milburn: The national standing Advisory Committee on Resource Allocation is looking at how resources are distributed across both secondary and primary care to ensure that these fully reflect local population needs and operate as fairly as possible.

One of the Committee's tasks is to undertake a review of the staff market forces factor which has important implications for London.

The aim is to complete this review in time to inform health authority allocations for 1999–2000.

NHS (50th Anniversary)

Mr. Simon Hughes: To ask the Secretary of State for Health how much money *(a)* his Department and *(b)* the NHS plan to spend on marking the 50th anniversary of the NHS. [40951]

Mr. Milburn: I refer the hon. Member to the answer given to my hon. Friend the Member for Falkirk, West (Mr. Canavan) on 19 December 1997, *Official Report*, columns *389–90*. In accordance with the principles that the activity will be decentralised and devolved, will promote core National Health Service aims, and that money is not diverted from patient care, it is for individual NHS organisations to consider what funds they are able to use or generate for local activities, and it is not possible to estimate the likely cost to the NHS.

The costs of central support for the NHS's aims during anniversary year are met from within the Department's publicity and communications budget. In 1997–98, the gross forecast outturn for this element is £1,122,252. In 1998–99, we estimate that the gross contribution will be around £550,000. We intend that this expenditure will be offset by sponsorship wherever possible.

NHS Nurses

Helen Jones: To ask the Secretary of State for Health what guidance he has given to NHS trusts on the procedures they should follow in order to check that all applicants for nursing posts are registered nurses. [41116]

Mr. Milburn: On 6 May 1998, the Department published guidance (HSC(98)64 "The Management of Health, Safety and Welfare Issues for National Health Service Staff") which reminds managers of their responsibility for taking up references from previous employers and making registration checks with the appropriate regulatory body. Earlier guidance (EL(92)84) advised employers to check registration before applicants take up post and to designate this as the responsibility of a single named officer.

Psychotherapists

Helen Jones: To ask the Secretary of State for Health (1) what steps he intends to take to ensure that those practising as psychotherapists subscribe to a recognised code of practice and ethics; [41118]

(2) what action he intends to take to ensure that those practising as psychotherapists are trained by, and registered with, a reputable body. [41117]

Mr. Milburn: Counselling and psychotherapy services are provided by a wide diversity of professionals. A large number of professional bodies and organisations exist to provide guidance on training, professional practice, ethics and conduct. It is for those professional bodies to agree on matters concerning training and standards of psychotherapists.

We have required National Health Service employers to satisfy themselves that all staff, including those practising as psychotherapists, have the skills and training appropriate to the roles they are required to carry out.

Health Care Assistants

Helen Jones: To ask the Secretary of State for Health what plans he has to prevent nurses who are struck off the register from obtaining posts as health care assistants. [41119]

Mr. Milburn: It is a matter for employers to check that all prospective employees are suitably qualified and experienced for the post to be filled, and to take up references.

Alcohol

Mrs. Roe: To ask the Secretary of State for Health what plans he has to take forward the strategy set out in the green paper, Our Healthier Nation, on alcohol; and what is his Department's timetable for producing this strategy. [41508]

Ms Jowell: We intend to produce a coherent strategy which reinforces our messages about sensible drinking and provides an effective framework for action to tackle alcohol misuse in all its forms. It will need to reflect all of the issues of major concern about alcohol across Government, as well as for other interested parties, including the alcohol industry. Much new co-ordinated work on alcohol is already taking place, for example through the Ministerial group on under-age drinking; the Department of Environment, Transport and the Regions' consultation exercise on drink-driving and the Home Office's recently announced review of liquor licensing. But that work will be more successful if it can take place within the context of a clearer framework for activity. Alcohol Concern have secured private sector support to carry out an extensive consultation exercise by the end of 1998 on what form an alcohol strategy might take. All interests should be reflected in this process and we will await its results before taking further action.

Ritalin

Mr. Burstow: To ask the Secretary of State for Health if he will list by health authority the levels of prescribing

of Ritalin (methylphenidate) in terms of *(a)* numbers of people and *(b)* cost in (i) 1993–94, (ii) 1994–95, (iii) 1995–96 and (iv) 1996–97. [41203]

Mr. Milburn *[holding answer 8 May 1998]:* Information on the number of people receiving Ritalin is not available. Information on prescriptions dispensed for individual products such as Ritalin is not released at health authority level. This is in order to preserve patient, contractor and commercial confidentiality.

The net ingredient cost of prescription items dispensed for Ritalin in the community in England from 1993–94 to 1996–97 is shown in the table. Data on prescriptions dispensed in hospital are not available.

The net ingredient cost of prescription items for Ritalin (methylphenidate hydrochloride) dispensed in the community, 1993–94 to 1996–97 in England

£000

Year	Net ingredient cost
1993–94	30.6
1994–95	61.2
1995–96	365.6
1996–97	998.7

Notes:
1. The data cover all prescriptions dispensed in the community, i.e. by community pharmacists and appliance contractors, dispensing doctors, and prescriptions submitted by prescribing doctors for items personally administered in England
2. The net ingredient cost refers to the cost of the drug before discounts and does not include any dispensing costs or fees. It does not include any adjustment for income obtained where a prescription charge is paid at the time the prescription is dispensed or where the patient has purchased a pre-payment certificate

FOREIGN AND COMMONWEALTH AFFAIRS

Sierra Leone

Sir John Stanley: To ask the Secretary of State for Foreign and Commonwealth Affairs what action was taken by Ministers following publication of the article, "Britain holds talks with hired killers", in *The Observer* on 8 March. [41576]

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) how many officials or diplomats in his Department have been cited in allegations that at least one official or diplomat had dealings with Sandline International in connection with the supply of arms and aid to Sierra Leone in contravention of a United Nations embargo; [41243]

(2) if he will list all the meetings that have taken place between Lieutenant-Colonel Tim Spicer and *(a)* the current British High Commissioner to Sierra Leone, *(b)* himself or other ministers and *(c)* other officials or diplomats of his Department, stating (i) the dates when they took place, (ii) who was present, (iii) at whose request the meetings took place, (iv) where they took place and (v) what was discussed; [41229]

(3) what contacts *(a)* he, *(b)* his ministers and *(c)* his officials or diplomats have had with Sandline International concerning the supply by that company of arms and aid to Sierra Leone; [41238]

(4) on what date *(a)* he and *(b)* his ministers were told about the allegations that at least one diplomat had had dealings with Sandline International in connection with the supply of arms and aid to Sierra Leone in contravention of a United Nations embargo; [41242]

(5) on what date officials in his Department first became aware of allegations that at least one official or diplomat had had dealings with Sandline International in connection with the supply of arms and aid to Sierra Leone in contravention of a United Nations embargo; [41245]

(6) if the provision of arms and aid to Sierra Leone by Sandline International was contrary to United Nations resolution 1132; [41230]

(7) if he will list all the meetings that have taken place between Sandline International and *(a)* the current British High Commissioner to Sierra Leone, *(b)* himself or other ministers and *(c)* other officials or diplomats of his Department, stating (i) the dates when they took place, (ii) who was present, (iii) at whose request the meetings took place, (iv) where they took place and (v) what was discussed; [41235]

(8) what are the terms of reference of his departmental inquiry into the allegations that at least one diplomat had dealings with Sandline International in connection with the supply of arms and aid to Sierra Leone in contravention of a United Nations embargo; who will be conducting it; when it will start work; and when will it finish; [41237]

(9) what *(a)* formal and *(b)* informal approaches were made by Sandline International to (i) him, (ii) his ministers and (iii) officials or diplomats in his Department regarding the supply of arms and aid to Sierra Leone; [41239]

(10) on what date *(a)* he and *(b)* his ministers were first told that the allegations that at least one diplomat had had dealings with Sandline International in connection with the supply of arms and aid to Sierra Leone in contravention of a United Nations embargo had been referred to HM Customs and Excise; [41241]

(11) on what date officials in his Department referred the allegation that at least one official or diplomat had had dealings with Sandline International in connection with the supply of arms and aid to Sierra Leone in contravention of a United Nations embargo to HM Customs and Excise; [41244]

(12) on what date and for what reasons he decided to hold an internal departmental inquiry into the allegations that at least one diplomat had had dealings with Sandline International in connection with the supply of arms and aid to Sierra Leone in contravention of a United Nations embargo; [41231]

(13) if he will make it his policy to publish the report and findings of the internal departmental inquiry into the allegations that at least one diplomat had dealings with Sandline International in connection with the supply of arms and aid to Sierra Leone in contravention of a United Nations embargo; [41236]

(14) when *(a)* he and *(b)* his ministers were first told of the allegations made in *The Observer* in March that at least one diplomat had had dealings with Sandline

International in connection with the supply of arms and aid to Sierra Leone in contravention of a United Nations embargo; and what action he or they then took, and when. [41240]

Mr. Robin Cook: I refer the right hon. and hon. Members to the answer I gave to the Private Notice Question tabled by the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) on 6 May 1998, *Official Report*, columns 721–31.

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs what help given by the current British High Commissioner in respect of the successful counter-coup in Sierra Leone led him to congratulate the High Commissioner to Sierra Leone on giving such help. [41234]

Mr. Robin Cook: I congratulated the British High Commissioner in June 1997 on his role in the evacuation of British citizens and others from Sierra Leone during the coup in May. I have sent no message since.

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the use of a picture of the current British High Commissioner to Sierra Leone on T-shirts being sold in that country. [41232]

Mr. Robin Cook: We are not selling any such T-shirts, and have no stake in any commercial enterprise that is.

Soviet Union (Nuclear Reactors)

Mr. Llwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what data he has collated on the risks in respect of nuclear reactors in the former Soviet Union. [40903]

Mrs. Beckett: I have been asked to reply.

The International Atomic Energy Agency has published a series of technical documents on the Soviet-designed WER and RBMK (Chernobyl types) reactor types. A major European Union-financed report on the safety of the RBMK reactors has also been completed. These identify and prioritise the main safety issues which need to be addressed. These documents are being used by the countries concerned and international donors, to help shape safety upgrading programmes. The UK continues to work with our G7 and European Union partners to improve nuclear safety in the countries concerned and to encourage them to develop viable energy sector strategies that enable alternative generating capacity to be brought on line, allowing the older, less safe, reactors to close.

Berlin Airlift

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs what events the Government are planning to commemorate the 50th anniversary of the Berlin airlift. [40639]

Mr. Spellar: I have been asked to reply.

The Berlin Airlift was a remarkable expression of Allied cooperation and it is fitting that our commemoration of this event should also reflect that spirit.

The annual wreath laying ceremony in Berlin is to take place on 12 May 1998, and will be supported by the RAF Western Band. The British Ambassador to Germany will lay a wreath on behalf of the nation.

The Queen's Colour Squadron of the RAF, the RAF Western Band, RAF aircraft and the Battle of Britain Memorial Flight Dakota will participate in various ceremonies marking the 50th Anniversary of the start of the Airlift. These will include those at the former RAF Airlift base at Gatow, the Tempelhof Airbridge Open Days and the opening celebrations for the Allied Museum Berlin which my right hon. Friend, the Secretary of State for Defence, has accepted an invitation to attend. The RAF will also be represented at the Berlin Air Show in May which has been dedicated to the Airlift and at a military history symposium in Berlin during July.

HOME DEPARTMENT

Organised Crime

2. **Mr. Stephen Twigg:** To ask the Secretary of State for the Home Department if he will make a statement on European Union initiatives to combat organised crime. [40264]

Mr. Straw: This has been a major priority for the United Kingdom Presidency.

We have made good progress in implementing the Action Plans on organised crime and drugs, which have included: negotiation of a Pre-Accession Pact with the countries of central and eastern Europe and Cyprus; a new funding programme [to support further action against organised crime]; the new convention on mutual legal assistance.

And we have resolved most of the outstanding difficulties to allow Europol to become fully functional in the autumn.

23. **Mr. Sheerman:** To ask the Secretary of State for the Home Department what steps he is taking to ensure effective responses to evidence of sophisticated syndicates of organised criminals operating across national borders. [40285]

Mr. Michael: The Government have used the opportunity of the Presidency of the European Union to drive forward the fight against transnational organised crime and the menace it poses. The National Criminal Intelligence Service and the National Crime Squad provide a focus for operational activity which contributes to efficient and effective international co-operation.

Sex Offenders

7. **Miss Kirkbride:** To ask the Secretary of State for the Home Department what plans he has to implement the powers for the supervision of sex offenders contained in the Crime (Sentences) Act 1997. [40269]

Mr. Michael: The provisions for the extended supervision of sex offenders in the Crime (Sentences) Act 1997 were not implemented as they were linked to other provisions on release and post-release supervision which were unnecessarily complicated. Instead, we have brought

forward fresh provisions for extended supervision of sexual and violent offenders, which are contained in the Crime and Disorder Bill.

Racial Violence

22. **Dr. Ladyman:** To ask the Secretary of State for the Home Department what plans he has to introduce measures to combat racial violence. [40284]

Mr. Michael: The lives of far too many people have been damaged or destroyed by racial violence and harassment. In our manifesto, Labour promised to crack down on mindless, racist thuggery and the Crime and Disorder Bill introduces new offences of racial violence, harassment and criminal damage. These will send out a strong message to society that racist crime is unacceptable, while the inquiry into the death of Stephen Lawrence will identify the lessons to be learnt for the investigation and prosecution of racially motivated crime.

Drug Misuse

24. **Mr. Gordon Marsden:** To ask the Secretary of State for the Home Department what plans he has to encourage the extension of arrest referral schemes by the police as a means of combating drug use. [40286]

Mr. George Howarth: One of the four key aims of the Government's recently published drugs strategy is to protect communities from drug-related crime. Action planned in support of this aim will include promotion of arrest referral schemes. Currently, just over half the police forces in England and Wales have arrest referral schemes.

29. **Mr. Ronnie Campbell:** To ask the Secretary of State for the Home Department what recent research he has commissioned into the link between drugs and crime. [40291]

Mr. George Howarth: Research currently in progress includes work on the criminal lifestyles of crack addicts, on the effects of treatment of addicts' criminality, and on developing performance indicators for police anti-drugs strategies. Consideration is also being given to extending a project on drug testing and interviewing arrestees, the first results of which were published last month.

32. **Mr. Gareth Thomas:** To ask the Secretary of State for the Home Department what proportion of people arrested by the police are addicted to heroin and other opiates. [40294]

Mr. Michael: Information on what proportion of people arrested by the police are addicted to heroin and other opiates is not available. However, a study conducted for the Home Office by the University of Cambridge of drug use by samples of people arrested by the police in various English cities was published recently, and a copy is in the Library.

Urine tests showed high levels of recent drug consumption among arrestees—61 per cent. had taken at least one illegal drug. Comparatively high proportions of arrestees across all sample areas tested positive for heroin/opiates (18 per cent.). The proportion of interviewees who said they were dependent on heroin was 11 per cent.; 9 per cent. admitted dependency on methadone; and a further 2 per cent. on dipipanone (Diconal). It should be noted that the proportions admitting drug dependence varied from one sample to another.

33. **Ms Oona King:** To ask the Secretary of State for the Home Department if he will visit the drugs awareness scheme in Bethnal Green and Bow to discuss community-based projects to tackle drug abuse among young people. [40295]

Mr. George Howarth: I am happy to receive information about the scheme but have no plans to visit.

36. **Mr. Barry Jones:** To ask the Secretary of State for the Home Department if he will make a statement about the priorities of his Department for the UK presidency of the European Union in respect of drug abuse. [40298]

Mr. George Howarth: The United Kingdom Presidency has given priority to action against drug trafficking and drugs misuse, in particular by building on the wide range of work already underway across the three pillars of the European Union, which covers the responsibilities of a number of Government Departments. A main objective for the Home Office, in addition to ongoing practical activity, such as implementation of the Joint Actions on new synthetic drugs and approximation of drugs laws and practices, has been to launch consideration of a new five-year European Union drugs strategy, which would take effect from 2000. We have tabled detailed proposals of the key aims and goals of the new strategy.

We have also played a significant part in ensuring an effective input to European Union co-ordination in the preparatory process for the United Nations General Assembly Special Session on Drugs, being held in New York in June, particularly in areas of direct interest to the Home Office, such as precursor chemicals, amphetamine-type stimulants, judicial co-operation, money laundering and drugs demand reduction.

Paedophiles

25. **Mr. Robathan:** To ask the Secretary of State for the Home Department what representations he has received about the length of sentences given to paedophiles. [40287]

Mr. Michael: Since the beginning of the year, my right hon. Friend and I have received 76 representations from hon. Members relating to sex offenders, and the Criminal Policy Directorate has received over 400 letters and petitions from members of the public.

Women Prisoners

26. **Mrs. Anne Campbell:** To ask the Secretary of State for the Home Department if he will make a statement on the custody of women prisoners. [40288]

Ms Quin: Following the very helpful report published last year by Her Majesty's Chief Inspector of Prisons, a new Directorate of Regimes has been established with an Assistant Director who has direct responsibility for women in prison. Within that framework, the needs of women prisoners are being re-examined, with particular attention to the development of constructive regimes and programmes to address offending behaviour.

Prisoners' Paid Employment

27. **Mr. Clifton-Brown:** To ask the Secretary of State for the Home Department what regulations govern paid employment for a person serving a custodial sentence. [40289]

Ms Quin: Regulations governing prisoners' pay and earning are set out in Prison Service Standing Order 6 and the Prisoners' Pay Manual which was introduced in 1992, copies of which are in the Library.

The manual sets out a framework within which prisoners can be rewarded for taking part in purposeful activities. Properly balanced incentives encourage sustained effort from prisoners engaging in those activities. We are looking again at this to see whether further changes need to be made.

Computer Pornography

28. **Mr. Blizzard:** To ask the Secretary of State for the Home Department what representations he has received regarding control of pornography in computer magazines. [40290]

Mr. Michael: Since December 1997, seven representations about computer magazines have been received, three from hon. Members, one from a Member of another place and three from members of the public. None of them specifically concerned explicit sexual material.

Human Rights Bill

30. **Mr. Bradshaw:** To ask the Secretary of State for the Home Department what recent representations he has received from the churches about measures contained in the Human Rights Bill *[Lords]*. [40292]

Mr. Mike O'Brien: My right hon. Friend has had meetings with representatives of a number of churches, and my noble Friend has met a delegation from the group "Christians for Human Rights". We have also received a good deal of correspondence. We are taking account of all the various views expressed in considering how to respond to the amendments made to the Bill in another place.

Immigration

31. **Mr. Wilkinson:** To ask the Secretary of State for the Home Department what assessment he has made of the impact of the Dublin convention on British control of the immigration of non-EU nationals from EU member states. [40293]

Mr. Mike O'Brien: The Dublin Convention has made it more difficult and time consuming to secure the return to other member states from the United Kingdom of non-European Union nationals who claim asylum on arrival here. Under our Presidency of the European Union, we are seeking agreement on a programme of action aimed at improving the operation of the Dublin Convention .

Protection for the Elderly

34. **Mr. Bill O'Brien:** To ask the Secretary of State for the Home Department what proposals he has to give greater protection to older people in respect of *(a)* mugging, *(b)* burglary and *(c)* fear of crime; and if he will make a statement. [40296]

Mr. Michael: The well-being of elderly people is a very high priority for this Government. Crimes against the elderly are particularly shocking, and we are determined to ensure that they are effectively addressed. Measures in the Crime and Disorder Bill will help achieve this goal.

Under the Bill, the police and local authorities will be required to form partnerships to identify and to reduce crime and disorder. These partnerships will bring together many agencies and, importantly, will entail the full involvement of the local community. Implementation will involve local consultation, and guidance which we plan to issue in July will include specific reference to the need for public meetings and other forms of consultation to be accessible to all members of the community, including the elderly. The partnerships will be required to conduct an audit of current levels of crime and disorder and to devise a strategy to tackle specific local problems, including those affecting the elderly.

Fortunately, crime risks for the elderly are lower than they might appear from media coverage. The British Crime Survey found that, across a wide range of offence categories, risks for those aged 16 to 29 were at least treble the risks for the elderly. For assault, young people were 37 times more at risk.

Asylum Seekers

35. **Mr. Viggers:** To ask the Secretary of State for the Home Department how many applicants for political asylum are currently detained in secure accommodation while their case is being investigated. [40297]

Mr. Mike O'Brien: As at 31 March 1998, the most recent date for which information is available, a total of 765 persons who had sought asylum at some stage were recorded as being detained solely under Immigration Act powers.

Prisoners' Meals

37. **Mr. Gordon Prentice:** To ask the Secretary of State for the Home Department what steps he is taking to ensure prisoners receive varied and nutritious meals. [40299]

Ms Quin: All prison establishments offer multi-choice menus with about 50 per cent. offering prisoners the opportunity to pre-select their meals. These pre-select meals also incorporate information which allows prisoners to select healthy eating options.

Home Security

38. **Mr. Mackinlay:** To ask the Secretary of State for the Home Department if he will make a statement on the Government's initiatives to increase the security of people in their homes. [40300]

Mr. Michael: The Crime and Disorder Bill includes a range of measures to reduce crime and disorder, and the fear of crime. Foremost of these is the proposal for the police and local authorities together to undertake a crime and disorder audit in the district, borough or unitary authority area, in consultation with other agencies and the wider community. They will then have to develop a local

strategy to tackle the identified crime and disorder problems. The work of the partnerships created to implement the local strategies, which will include clear targets, will include action at a much more local level within the local authority area. I am confident that these measures will have a significant effect on local levels of crime and disorder, and that this will in turn help people to feel more secure both in their homes and their communities.

Animal Experiments

39. **Mr. Baker:** To ask the Secretary of State for the Home Department what estimate he has made of the number of animal experiments that will be carried out in 1998–99 under the terms of the Animals (Scientific Procedures) Act 1986. [40301]

Mr. George Howarth: Statistics on animal use can be collated only in retrospect and this is done on a calendar year basis. We expect to publish the figures for 1997 in July. We do not expect a significant increase.

We cannot predict the number of procedures that will take place in the coming year. Although project licence applicants must estimate how many animals are to be used per year in each protocol, these figures are not collated centrally and, in practice, the number of animals actually used falls short of this estimate. We cannot predict the number of new project licence applications that we will receive during the year, or the number of animals that each will seek authority to use.

The Animals (Scientific Procedures) Act 1986 does not make provision for controlling the overall number of procedures; it requires that project licences be granted only if the benefits have been weighed against the costs and the purpose of the work cannot be achieved by other means. Whilst we can ensure that the number of animals used in each programme of work is minimised, we cannot dictate how many applications for new project licences will be submitted nor how many proposed programmes will satisfy the requirements of the Act, particularly the cost/benefit assessment. The number of scientific procedures involving animals is dependent on a number of factors, including the implications of scientific breakthroughs and the buoyancy of United Kingdom industry.

The primary purpose of the 1986 Act is to reduce suffering. In consequence, where there is a choice between one protocol involving a certain number of animals and a more severe protocol involving fewer animals, the former will, in many cases, be authorised. One of the roles played by the Home Office Animals (Scientific Procedures) Inspectorate is to ensure that applications to use animals have taken full account of the 3Rs concept of alternatives (refining procedures to minimise suffering; reducing the number of animals used; and replacing procedures with ones not involving protected animals), while ensuring that the scientific integrity and value of the work is not compromised.

The overall number of procedures is not a true indication of the effectiveness of the Act.

Mr. Flynn: To ask the Secretary of State for the Home Department what steps are being taken to end the testing of cosmetics on animals; and if he will make a statement. [41097]

Mr. George Howarth: We have already announced an end to the testing of finished cosmetic products on animals in the United Kingdom and we are exploring the possibility of extending this ban to cover ingredients intended primarily for "vanity products". (The European definition of cosmetics includes sun screens, toothpastes and other products which may be considered to be pharmaceuticals in other countries).

European Directives require that new and, in certain circumstances, existing ingredients be tested to ensure that they are safe to use, manufacture and transport. For these purposes, animal tests are still required.

Mr. Flynn: To ask the Secretary of State for the Home Department what plans he has to reduce the number of experiments conducted on animals in the United Kingdom; and if he will make a statement. [41098]

Mr. George Howarth: The Animals (Scientific Procedures) Act 1986 does not make provision for controlling the overall number of procedures; it requires that project licences be granted only if the benefits have been weighed against the costs and the purpose of the work cannot be achieved by other means. We cannot dictate how many applications for new project licences will be submitted, or how many proposed programmes will satisfy the requirements of the Act, particularly the cost/benefit assessment.

We are promoting the development, validation and use of alternative methods which replace animal use, reduce the number of animals needed and refine procedures to minimise suffering (the 3Rs). To this end: we have announced our intention to explore, with the Animal Procedures Committee and the European Centre for the Validation of Alternative Methods (ECVAM), the possibility of promoting databases on alternative methods; we have increased the money made available to the Animal Procedures Committee to sponsor research on alternatives from £182,000 to £259,000; we will be requiring project licence applicants to state what consideration they have given to alternatives before a licence is granted; and we are discussing with regulators how best to apply the 3Rs to regulatory safety testing.

Air Guns

Mr. Caton: To ask the Secretary of State for the Home Department what plans he has to review the law controlling air guns. [41155]

Mr. Michael: It is illegal to carry a loaded air weapon in a public place, to discharge an air weapon within 50 feet of a road or to use one to shoot birds or other protected animals.

The Government have no current plans to introduce further legislation on firearms controls, but will keep under close scrutiny the way in which air weapons are used. We shall consult widely with all interested parties if further steps are considered necessary.

Suicides

Mr. Allan: To ask the Secretary of State for the Home Department how many young people under the age of 21 years have committed suicide or attempted suicide while on remand awaiting trial, in each of the last three years; and if he will make a statement. [40025]

Ms Quin: Some of the information requested is shown in the table. It should be noted that the number of deaths shown are of self-inflicted deaths, a broader definition than that of suicide, particularly as the inquest into some deaths have yet to take place. The information requested on attempted suicides is not available in the format requested and could be obtained only at disproportionate cost.

Age	*1995*	*1996*	*1997*
16	0	0	0
17	0	0	1
18	1	2	2
19	2	5	1
20	1	1	1
Total	4	8	5

Probation Constables

Mr. Cousins: To ask the Secretary of State for the Home Department what representations he has received about the proposal to relocate the District Training Centre for probationer constables in Durham away from the North East; what factors underlay this proposal; and if he will consult with local parties on this matter. [41467]

Mr. Michael: My right hon. Friend has received correspondence from Councillor George Gill, the Chairman of the Northumbria Police Authority and from eight right hon. or hon. Members who have written in support.

The future of probationer training in the North East is under examination in the light of the forthcoming expiry of the lease of the present site at Durham in December 1999 and against the background of the demand for probationer training places generally. A working group composed of representatives of the Association of Police Authorities, the Association of Chief Police Officers (ACPO), the police staff associations, National Police Training (NPT) and the Home Office, has been set up to consider NPT's accommodation requirements in the North East and more generally, and to make recommendations. No final decision has been made and there is no preconceived view that probationer training should not take place in the North East. The working group, whose members include the Chief Constable of Durham Constabulary, will take full account of the views of the police authorities and forces in the North East. The correspondence from Councillor Gill has also been circulated to the working group.

In view of the approaching expiry of the lease for the site at Durham, it was considered right to make plans on the basis that the centre would then close. However, the working group will consider any proposals which may be made for an extension of the lease alongside any other options which may emerge. In doing so, they will take account of the shortcomings in the facilities at the centre and the cost of the premises compared to alternatives, including the possibility of a Public Private Partnership.

Children (Supervision)

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department what assessment he has made of the extent of unsupervised gatherings of children aged under 10 years at night. [41210]

Mr. Michael: Research by the Home Office and others has shown that one of the strongest factors in relation to the commencement of offending by juveniles is poor parental supervision. One of the measures which the Government will introduce as part of their youth justice reform programme will be the local child curfew.

The Crime and Disorder Bill *[Lords]* will give local authorities a permissive power to introduce local child curfews for unsupervised children under 10 who are out on the streets late at night. The aim of such curfews is two-fold. They will address the need to protect young children from being drawn into anti-social or criminal behaviour, and they will protect communities from the misery and distress which can be caused by groups of unsupervised children.

Anti-social Behaviour Orders

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department what plans he has to ensure that anti-social behaviour orders are not used improperly. [41211]

Mr. Michael: The fact that only local authorities and the police, in consultation with one another, will be able to apply to the courts for orders will help to avoid any risk of improper use. It will be up to the courts to decide whether an anti-social behaviour order can be granted. We are producing detailed guidance to make clear the kind of circumstances in which applications should or should not be made.

We have already given an undertaking to Parliament to review the effectiveness of the provisions and report our findings. This review will cover the types of behaviour for which orders are sought.

Europol Convention

Mr. Mitchell: To ask the Secretary of State for the Home Department if he will list for (i) the Convention of the European Police Office (Europol Convention), European Communities No. 12 (1995) CM 3050 and (ii) the Protocol to that Convention concerning Privileges and Immunities of its Organs and Staff, European Communities No. 12 (1997) CM 3767 *(a)* which members of the European Union have ratified it and *(b)* when it came into force, and in respect of (ii) for what reasons privileges and immunities apply to its staff, members of its Management Board and Financial Committee, and its Financial Controller, when they have ceased serving in those capacities. [41233]

Mr. Michael: The Europol Convention has been ratified in Austria, Denmark, Finland, France, Germany, Greece, Italy, Ireland, the Netherlands, Portugal, Spain, Sweden and the United Kingdom. It will enter into force on the first day of the month following the expiry of a three-month period after ratification by the final member state.

The Protocol on Privileges and Immunities has been ratified in Denmark, Finland, Ireland, the Netherlands, Sweden and the United Kingdom. It will enter into force on the first day of the second month following ratification by the final member state.

Article 8 of the Protocol deals with the immunities which will apply to Europol staff and members of its organs

"in respect of words spoken or written, and acts performed by them, in the exercise of their official functions".

There may well be situations in which individuals would be obliged to fulfil such official functions (such as the giving of evidence in judicial proceedings) after they had ceased to serve in those capacities, and therefore the same Article goes on to provide that in those circumstances the immunities would still apply.

Cocoon Watch Scheme

Ms Shipley: To ask the Secretary of State for the Home Department what plans he has to extend the Cocoon Watch Scheme. [40561]

Mr. Michael: Cocoon Watch is an approach which the police and other agencies may choose to adopt as part of local strategies, depending on local circumstances. The early indications of its success to combat domestic violence in Killingbeck are welcome and I am looking forward to seeing a further report on its use in the Killingbeck project later this year. Any wider adoption of this approach would be a matter for local decision.

Vulnerable and Intimidated Witnesses

Sir Raymond Powell: To ask the Secretary of State for the Home Department when he expects the review on the treatment of vulnerable and intimidated witnesses to be complete. [41591]

Mr. Michael: In consultation with colleagues, my right hon. Friend and I are currently considering how to take forward the final report of the inter-departmental working group on vulnerable and intimidated witnesses, which we received recently.

Prisoners

Mr. Luff: To ask the Secretary of State for the Home Department if he will discuss with the Lord Chancellor the possibility of denying prisoners serving custodial sentences access to civil justice in matters relating to the conduct of the Prison Service unless they have first exhausted all internal grievance procedures and taken their case to the Prisons Ombudsman; and if he will make a statement. [41023]

Ms Quin: I refer the hon. Member to the replies I gave to him on 20 April 1998, *Official Report*, columns *515–16*, and 5 May 1998, *Official Report*, column *367*. I shall ask Prison Service officials to advise on prisoners' access to civil justice generally at the same time as advising on their use of small claims court procedures.

Public Bodies

Mr. Öpik: To ask the Secretary of State for the Home Department how many and what proportion of his Department's appointees to non-departmental public bodies are (i) aged under 25, (ii) aged 25 to 30 and (iii) aged 31 to 35 years. [40743]

Mr. Straw: Of the 526 appointees to my Department's non-departmental public bodies (NDPBs), one is aged under 25 years, one is aged between 25 and 30 and two are aged between 31 and 35 years. This includes appointments made by the Prime Minister to NDPBs sponsored by my Department.

The Government are committed to encouraging a wide range of candidates to apply for positions on the boards of public bodies, reflecting the diverse society in which we live. This includes encouraging more young people to put themselves forward as potential candidates for public appointments. All appointments are made on merit and candidates must demonstrate that they have the necessary skills and experience to match the needs of the public body on which they wish to serve.

Written Answers to Questions

Tuesday 12 May 1998

NORTHERN IRELAND

Trust Ports

Mr. Benton: To ask the Secretary of State for Northern Ireland what progress has been made in relation to the Review of Trust Ports in Northern Ireland announced on 26 August 1997; and if she will make a statement. [41803]

Marjorie Mowlam: The Review of Trust Ports in Northern Ireland which I announced last year has now been concluded. In general, the review findings serve to reinforce the strategic importance of the commercial Trusts Ports in relation to the Northern Ireland economy. However the review has identified the need to broaden and extend the powers of the commercial Trust Ports and to ease the financial controls under which they currently operate, to enable them to meet the challenges of the future. Further detailed consideration will now be given to these recommendations with a view to bringing forward suitable legislation at the earliest opportunity.

During the course of the review, Belfast Harbour Commissioners submitted to the Department of the Environment (NI) a proposal for the future development of the Port of Belfast. This followed careful consideration by the Commissioners of a range of possible future options. BHC's preferred option envisaged the transfer of the Port to the private sector by means of a placed flotation and the establishment of a public/private partnership, through the retention by the Government of a golden share in the successor company.

The Harbour Commissioners consider that such a change to the status of the port is necessary to assure its long-term viability and competitive position, and offers the benefit of enabling the successor company to raise private equity and debt to finance its future development. The golden share arrangement is intended to ensure that the wider interests of the Northern Ireland economy are safeguarded.

The Department accepts that transfer of the port to the private sector and the establishment of a public/private partnership, as outlined in BHC's proposal, represents the best option for the future and will enable the port to realise its full commercial potential. Accordingly the Department has today conveyed to BHC its agreement, in principle, to the proposal (subject to certain conditions) and invited the Commissioners to further develop the proposal with a view to bringing forward a Scheme for the Department's detailed consideration. Under the Ports (NI) Order 1994, any such Scheme will be subject to public consultation.

There are no plans to change the current status of any other Trust Ports in Northern Ireland. However, following the review, in addition to widening the powers and easing the financial controls on the other commercial Trust ports, further consideration will now be given to improving their accountability by increasing District Council representation on the boards.

Crime and Disorder Legislation

Mr. Donaldson: To ask the Secretary of State for Northern Ireland what plans she has to introduce legislation for Northern Ireland containing provisions similar to those of the Crime and Disorder Bill [*Lords*]. [40635]

Mr. Ingram: Different local administrative and legislative arrangements limit the applicability of much of the Crime and Disorder Bill to Northern Ireland. However, a small number of provisions will be introduced to Northern Ireland by means of a negative resolution clause in the Bill. These are the sex offender order, the drug treatment and testing order, TV links for pre-trial hearings, the abolition of *doli incapax* and powers for youth courts to deal with unrelated charges. In addition, should Parliament decide to retain the clause, introduced in the House of Lords, which abolishes the death penalty in respect of treason and piracy, then the relevant legislation in respect of Northern Ireland will be repealed by the Bill.

The potential impact of the remaining provisions will be assessed, taking account of experience in England and Wales, in order to determine whether similar measures should be incorporated in future Northern Ireland legislation.

Public Bodies

Mr. Öpik: To ask the Secretary of State for Northern Ireland how many and what proportion of her Department's appointees to non-departmental public bodies are (i) aged under 25, (ii) aged 25 to 30 and (iii) aged 31 to 35 years. [40734]

Mr. Paul Murphy: The information requested is not available. Dates of birth of appointees were not recorded before 1 July 1996, the date on which the Guidance of the Commissioner for Public Appointments took effect. Details covering the period 1996–97 are available in the Secretary of State's First Annual Report on Public Appointments, copies of which have been placed in the Libraries of the House.

The Government are committed to encouraging a wide range of candidates, including young people, to apply for positions on public bodies. This includes encouraging more young people to put themselves forward as potential candidates for public appointments. All appointments are made on merit, and candidates must demonstrate that they have the necessary skills and experience to match the needs of the public body on which they wish to serve.

Inward Investment

Mr. McGrady: To ask the Secretary of State for Northern Ireland how many visits to each district council area by potential inward investors were arranged by the Industrial Development Board between 1 April 1997 and 31 March 1998. [40927]

Mr. Ingram: The information requested is as follows:

Visits to district council areas by potential investors
1 April 1997–31 March 1998

District council	*Number of visits*
Antrim	21
Ards	1
Armagh	2
Ballymena	5
Ballymoney	2
Banbridge	1
Belfast	82
Carrickfergus	15
Castlereagh	2
Coleraine	7
Cookstown	9
Craigavon	16
Derry	14
Down	3
Dungannon	3
Fermanagh	5
Larne	9
Limavady	2
Lisburn	23
Magherafelt	1
Moyle	0
Newry & Mourne	5
Newtownabbey	19
North Down	4
Omagh	5
Strabane	2
Total	258

CULTURE, MEDIA AND SPORT

Countryside Access

Mr. Bennett: To ask the Secretary of State for Culture, Media and Sport how many grants have been made from the National Lottery *(a)* to encourage walking and footpath development and restoration and *(b)* to increase access to the countryside. [40431]

Mr. Banks: The Lottery distributors estimate they have awarded some £440 million to projects designed to encourage walking, footpath development and restoration, and access to the countryside. The distributors do not however record these awards separately. Details are set out in the table:

Distributor	*Number of awards*	*Value of awards (£)*
Arts Council for England[1]	0	0
English Sports Council	389	51,593,435
Scottish Arts Council	0	0
Scottish Sports Council	27	1,954,154
Arts Council for Wales	0	0
Sports Council for Wales	5	159,327
Arts Council for Northern Ireland	0	0
Sports Council for Northern Ireland	0	0
Heritage Lottery Fund	356	153,679,679
Millennium Commission	33	232,991,684
National Lottery Charities Board	12	554,215
Total	822	440,932,494

[1] ACE has made some 375 capital grants totalling £370 million to rural projects. Some of these will cover the areas specified but they cannot be precisely identified.

Football (Racism)

Mr. Dismore: To ask the Secretary of State for Culture, Media and Sport what response he has made to the Football Task Force report into racism in football. [41866]

Mr. Banks: I welcome and fully support the practical recommendations made in the Task Force's report, which I believe can make a significant contribution to eliminating racism within the game. I have written today to the bodies identified in the report, asking them how they intend to take the measures relevant to them forward, and seeking a clear timetable for action.

There are two specific recommendations that fall to Government: that the Football Offences Act 1991 should be amended to make racist abuse by individual spectators an offence; and that schoolchildren should have access to playing fields on a regular basis.

The Government will be amending the Football Offences Act 1991 as soon as legislative priorities allow. There is no suitable legislative opportunity available at this time. In the meantime, the Home Office has written to all chief police officers in England and Wales reminding them of existing powers under the Public Order Act 1986, which makes it an offence to use threatening, abusive or insulting words or behaviour with the intention of causing harassment, alarm or distress to the person to whom such words or behaviour are directed.

The Government recognise that schoolchildren should have access to playing fields to enable them to participate in a range of sports. We recently announced how we will protect existing playing fields needed by schools and communities through new legislation requiring schools to seek consent for the sale of playing fields and by tightening planning controls.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Housing (Disabled Access)

Angela Smith: To ask the Secretary of State for the Environment, Transport and the Regions if he will require local authorities to build new housing which is funded by capital receipts to those standards for accessibility which are proposed to be included in an extension of Part M of the building regulations. [40336]

Mr. Raynsford: We announced on 9 March 1998, *Official Report*, columns *12–13*, that Part M of the Building Regulations would be extended to include new dwellings. Part M will cover all new dwellings, including those built as a result of the additional resources released under the Capital Receipts Initiative. Amendment Regulations will be laid later this year and will come into force 12 months after publication.

New housing built by Registered Social Landlords has to meet standards prescribed by the Housing Corporation which already covers most of the requirements of Part M.

Diving

Mrs. Curtis-Thomas: To ask the Secretary of State for the Environment, Transport and the Regions if he will re-activate the Newcastle diving registry records as a basis for a comprehensive database of divers. [41128]

Angela Eagle: The Health and Safety Executive has no plans to re-activate the Newcastle diving registry, but is investigating whether the information collected in the registry can provide information which could be useful in the proposed research project into the long-term health effects associated with diving.

Mrs. Curtis-Thomas: To ask the Secretary of State for the Environment, Transport and the Regions what action was taken by the Health and Safety Executive in response to the Offshore Technology report, OTO 94 009 Neurological and Cerebrovascular Abnormalities in Divers, issued in August 1994, in respect of its findings relating to damage caused to the central nervous system by diving. [41127]

Angela Eagle: In my written reply, given on 22 January 1998, *Official Report,* columns *614–15,* to one of the hon. Friend's earlier questions, I explained that HSE was commissioning research into the long-term health effects associated with diving. This was, partly, in response to the report referred to.

The initial advertisement and tendering exercise for this research project was not concluded successfully and so the scope of the project is being reconsidered with a view to readvertising it.

Mrs. Curtis-Thomas: To ask the Secretary of State for the Environment, Transport and the Regions how many professional divers he estimates there were in each year since 1979; and how many have had their medical certificates revoked or not reissued due to medical conditions directly attributable to diving. [41130]

Angela Eagle: The best estimates of the numbers of active professional divers in Great Britain come from the numbers of medical examinations notified to the Health and Safety Executive by approved medical examiners of divers under the Diving Operations at Work Regulations 1981 and the Diving at Work Regulations 1997. These figures are readily available only from 1989 and are shown in the table. Information for the period between 1985 and 1989 could be obtained only at disproportionate expense.

The medical condition causing divers to fail their medicals is reported to the Health and Safety Executive, but not the cause of that condition. The conditions are often those prevalent in the general population, for example hypertension, which may, or may not, be attributable to diving. It is not, therefore, possible to state which of the failures were the result of conditions caused by diving. The numbers of divers failing their medicals from 1989 is shown in the table.

Since 1995, only one medical certificate has been revoked. The diver concerned had a serious medical condition, unrelated to diving, which was not disclosed to the examining doctor. This condition put the diver at a serious risk. Information on other revocations is not readily available and could be obtained only at disproportionate expense.

Year	*Medicals*	*Failures*
1989–90	3,943	30
1990–91	4,746	33
1991–92	4,749	60
1992–93	5,054	43
1993–94	4,984	78
1994–95	4,911	23
1995–96	4,867	54
1996–97	4,780	34
1997–98	4,889	36

Pipelines

Mrs. Curtis-Thomas: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the Government's policy on the development of pipelines for the movement of fluids and freight in the United Kingdom. [41102]

Ms Glenda Jackson: There are a number of pipeline networks in the UK for the transport of gases and liquids such as oil and water. I am not aware of any major movements of freight by pipeline, but if my hon. Friend has a particular issue in mind, perhaps she could write to me.

Wildlife Sites

Sir Peter Emery: To ask the Secretary of State for the Environment, Transport and the Regions what measures he plans to take to protect wildlife sites affected by abstraction and sewage effluent. [41201]

Angela Eagle: After consulting interested parties, my right hon. Friends the Deputy Prime Minister and the Secretary of State for Wales will publish in July their guidance to the Director General of Water Services on the environmental obligations which they will expect the water companies to meet during the period covered by the Director's current water price review—that is, the years 2000 to 2005.

Roads (Warrington)

Helen Jones: To ask the Secretary of State for the Environment, Transport and the Regions what assessment his Department has made of the effect on Warrington's economic development of *(a)* building and *(b)* not building a new Junction 8 on the M62. [40897]

Ms Glenda Jackson *[holding answer 7 May 1998]:* This scheme is being considered as part of the Government's strategic Roads Review. The economic impact of the scheme is being assessed as part of the new appraisal technique that has been developed as part of that Roads Review.

Helen Jones: To ask the Secretary of State for the Environment, Transport and the Regions (1) what estimate he has made of the level of traffic-related pollutants on the A49 in Warrington over the next five years *(a)* if a new Junction 8 is built on the M62 and *(b)* if no new junction is constructed; [40896]

(2) what estimate he has made of traffic flows on the A49 in Warrington over the next five years *(a)* if a new Junction 8 is built on the M62 and *(b)* if no new junction is constructed. [40898]

Ms Glenda Jackson *[holding answer 7 May 1998]:* I have asked the Chief Executive of the Highways Agency, Mr. Lawrie Haynes, to write to my hon. Friend.

Letter from Lawrie Haynes to Helen Jones, dated 12 May 1998:

The Transport Minister, Glenda Jackson has asked me to reply to your recent Parliamentary Questions about the effects of the proposed new Junction 8 on the M62 on the traffic flows and related pollutants on the A49 in Warrington. The proposal for a new junction is linked with that to widen the M62 between Junctions 8 to 9 and all the information given in this reply assumes that the full scheme is implemented.

We have carried out air quality assessments at two locations adjacent to the A49 in Warrington: Winwick Link junction, north of M62, and Forton Leisure Centre, south of the motorway.

At the northern location, traffic related pollutant concentrations are currently well within air quality standards and will remain so by the year 2003, with or without the construction of M62 New Junction 8.

Concentrations of particulates south of the motorway are within air quality standards but, because of the large volume of traffic on the A49, standards for carbon monoxide, benzene and oxides of nitrogen are already exceeded. However, by the year 2003, tighter emission controls which have already been introduced on new vehicles are expected to bring about an improvement, and traffic relief from the introduction of the new junction would mean that levels of all pollutants would be significantly lower than would otherwise be the case. Oxides of nitrogen are, however, still expected to exceed current standards with or without scheme.

Taking the busiest peak hour, and assuming high growth in order to present a worst case, the estimated traffic flows on the A49 in Warrington are:

On the A49 at Winwick Link, north of M62 Junction 9:

2381 vehicles/hour in 1998

(a) 2436 vehicles/hour in 2003 if Junction 8 is built

(b) 2534 vehicles/hour in 2003 if Junction 8 is not built

On the A49 Winwick Road, south of M62 Junction 9:

4645 vehicles/hour in 1998

(a) 3785 vehicles/hour in 2003 if Junction 8 is built

(b) 4793 vehicles/hour in 2003 if Junction 8 is not built

In the light of recent traffic surveys we are reviewing these forecasts for the forthcoming Public Inquiry into the Junction 8 proposals but we do not expect the level of traffic relief offered by the new junction to change significantly.

Electoral Arrangements (North Somerset)

Mr. Cotter: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to give effect to the Local Government Commission's recommendations for electoral arrangements in North Somerset. [41527]

Mr. Raynsford: We are currently considering the representations which we have received on the Commission's recommendations, and intend to announce our preliminary response to those recommendations as soon as practicable.

Freight Transport

Mr. Dafis: To ask the Secretary of State for the Environment, Transport and the Regions what is the Government's policy towards the levels of freight transported internationally. [41457]

Ms Glenda Jackson: International freight movements are a reflection of economic activity. While growth in this area is evidence of a healthy economy, such traffic should take place efficiently and with regard to its environmental impact.

Bangladeshi-registered Airlines

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will list air services operated by Bangladeshi-registered airlines operating to or from the United Kingdom. [41557]

Ms Glenda Jackson: Biman Bangladesh Airlines is the Bangladeshi-registered airline designated to operate scheduled services to and from the UK. It currently operates five passenger services per week between Dhaka and London Heathrow using DC-10 aircraft.

In addition, any airline registered in Bangladesh may apply to the Department for permission to operate ad-hoc charter services.

Cycle Routes

Sir Raymond Powell: To ask the Secretary of State for the Environment, Transport and the Regions how many miles of cycle way have been introduced since May 1997; and what *(a)* encouragement and *(b)* support is given to local authorities to introduce cycle ways. [41589]

Ms Glenda Jackson: Information about the lengths of cycle tracks or cycle routes provided in local authority areas in England is not held centrally. We encourage all local authorities to respond to the National Cycling Strategy by establishing local cycling strategies, and by setting local targets for increases in cycle use. We support local authorities efforts with funding from the annual local transport budget, based on their Transport Policies and Programme submissions. This year, over 70 package bids are being supported, all containing cycling measures. We also provide technical support through an extensive range of Traffic Advisory Leaflets and other publications on cycling, and in response to day-to-day inquiries.

Housing (Disabled Conversions)

Mr. Burns: To ask the Secretary of State for the Environment, Transport and the Regions what is the total level of grants made to convert housing to enable people with spinal cord injury to live in their own homes; and how many properties were converted in each year since 1990–91. [40865]

Mr. Raynsford: Information on the level of disabled facilities grants given to those suffering from spinal cord injuries, and the number of homes converted, is not collected by the Department. However, research published by the Department in 1996 estimates that in 1993–94, such grants were given to 1,141 people with spinal problems.

Roads (Litter Clearance)

Mr. Paice: To ask the Secretary of State for the Environment, Transport and the Regions which body is responsible under section 89 of the Environmental Protection Act 1990 for the clearance of litter in Cambridgeshire on *(a)* the M11, *(b)* the A11, *(c)* the A14 and *(d)* the A10. [41604]

Angela Eagle: Under Section 89 of the Environmental Protection Act 1990, the Highways Agency are responsible for the clearance of litter on the M11. Responsibility for litter clearance on the A11, A14 and A10 falls to the relevant district councils along those routes.

Mr. Paice: To ask the Secretary of State for the Environment, Transport and the Regions how many applications were made under section 91 of the Environmental Protection Act 1990 for the issue of litter abatement orders in *(a)* Cambridgeshire, *(b)* the Eastern Region and *(c)* England in the last year for which figures are available; and how many orders were made in each case. [41605]

Angela Eagle: These figures have not been collected centrally. However, the Tidy Britain Group will be requesting information on applications for litter abatement orders and the number that are issued when they carry out their local authority enforcement survey later this year.

Lifebelts

Mr. Paice: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to standardise the lifebelt regulations for inshore fishing boats which also operate as pleasure boats. [41606]

Ms Glenda Jackson: Inshore fishing boats which also operate as boats used commercially for sport or pleasure must comply with safety requirements depending on the distance they operate from a safe haven.

Boats operating more than 3 miles out to sea or more than 15 miles from a nominated departure point must comply with a Code of Practice—The Safety of Small Commercial Motor Vessels, which sets out the standard safety requirements including those relating to the carriage of life jackets and lifebuoys.

Boats operating less than 3 miles out to sea and less than 15 miles from a nominated departure point must comply with safety requirements laid down by local authorities. A draft safety code which will standardise safety requirements for these vessels has been developed, and Ministers have agreed that public consultation on this code may take place.

Freedom of Information

Mr. Sanders: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish the HSE Working Party on Freedom of Information Memorandum on Persistent Inquirers for Information, Special Monitoring, dated 18 December 1997. [41601]

Angela Eagle: I have placed a copy of the memorandum in the library, anonymised to protect personal privacy. The purpose of the memorandum is to ensure that the named inquirers get all the information to which they are entitled in a consistent, fully explained and usable form.

Access Committee for England

Mr. Viggers: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the future financial support from his Department for disabled persons and disability groups through the Access Committee for England. [40558]

Mr. Raynsford: The question is taken to refer to funding for the Access Committee for England (ACE), for which this Department's involvement has always been peripheral, confined normally to occasional research projects. In the event of the Department inviting ACE to bid, in accordance with the Department's specification, for any future project requirements, a bid from ACE would be considered on its merits alongside other bids invited for that work.

Environmental Impact Assessment Directive

Mr. Barron: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received on the Government's proposals for implementing the requirements of the amended Environmental Impact Assessment Directive (97/11/EC); and if he will make a statement. [41888]

Mr. Caborn: Following an initial consultation last Summer, a second consultation paper on the implementation of the amended EIA Directive was issued on 19 December 1997. It set out our detailed proposals for refining the way in which the need for EIA is determined in the UK. To date, 195 responses have been received from business, government and environmental organisations across the UK, as well as members of the public. In addition, one response was submitted on a confidential basis. A list of responses received has been placed in the Library of the House. Copies of the responses themselves have been placed in my Department's library.

Maritime and Coastguard Agency

Dr. Whitehead: To ask the Secretary of State for the Environment, Transport and the Regions what targets he has set for the Maritime and Coastguard Agency. [41925]

Ms Glenda Jackson: The following key targets have been set for the Maritime and Coastguard Agency (MCA). The targets are set out in MCA's Business Plan, copies of which will be placed in the Library.

- ensure that at least 60 per cent. of operators and crew of UK registered fishing vessels are aware of the safety standards promulgated by MCA.
- follow up at least 95 per cent. of significant breaches of safety and environmental aspects of Merchant Shipping legislation to determine whether prosecution is appropriate.
- decide on the search and rescue (SAR) response to accidents and life-threatening situations, and to initiate action, if necessary, within 5 minutes of being alerted in at least 95 per cent. of cases.
- complete at least 90 per cent. of key tasks and also complete at least 95 per cent. of the agreed planned programme of inspections and surveys.

Environmental Protection

Mr. Leslie: To ask the Secretary of State for the Environment, Transport and the Regions what plans his Department has to expand on previous guidance on the application of Articles 6(3) and (4) of the Habitats Directive to sites which have been submitted to the European Commission as candidate special areas of conservation under the Habitats Directive and classified as special protection areas under the Birds Directive. [42065]

Mr. Meacher: I have today restated our commitment to carrying out our legal obligations to implement the EU Habitats and Wild Birds Directives and, as part of that process, to contribute to the Natura 2000 network by designating Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and provides further guidance to competent authorities on the application of Articles 6(3) and 6(4). I have given a clearer policy lead to local planning authorities on how issues should be resolved where obligations to review extant planning permissions arise under the Conservation (Natural Habitats, &c.) Regulations 1994 and guiding principles for all competent authorities on what might constitute overriding public interest.

A paper setting out the Government's outline position has been placed in the Library.

Inclusive Regeneration Report

Mr. Barron: To ask the Secretary of State for the Environment, Transport and the Regions when the research report on Inclusive Regeneration: Local Authorities' Corporate Strategies for Tackling Disadvantage will be published. [41889]

Mr. Caborn: I am today placing in the Libraries of the House copies of the research report by Sheffield Hallam University and the University of Lincolnshire and Humberside.

AGRICULTURE, FISHERIES AND FOOD

Common Fisheries Policy

Mr. Shaw: To ask the Minister of Agriculture, Fisheries and Food when he plans to implement measures to ensure that an economic link exists between UK-flagged vessels and the fishing communities in the UK intending to benefit from quotas allocated to the UK under the Common Fisheries Policy; and if he will make a statement. [41893]

Mr. Morley: There has been extensive consultation with the various interests affected and we have also been having detailed discussions with the European Commission on the basis of the guidance contained in the exchange of letters between the Prime Minister and the President of the Commission which took place at the Amsterdam meeting of the European Council last year.

Specific proposal by the UK are currently under consideration by the Commission and we expect to receive their advice on them shortly so that we can make early progress with implementation.

A copy of the UK proposals under current consideration by the Commission has been placed in the Library of the House.

Pesticides

Mr. Peter Bradley: To ask the Minister of Agriculture, Fisheries and Food what plans he has to review approvals of pesticides; and if he will make a statement. [41892]

Mr. Rooker: As part of the national arrangements for the running review of past approvals of pesticides, I have agreed with my colleagues in the other regulatory Departments that there should be a review of those organophosphate pesticides approved for agricultural use under the Control of Pesticides Regulations 1986. The review will not extend to sheep dips and other veterinary medicines which are authorised and subject to scrutiny under separate legislation. On the advice of the Advisory Committee on Pesticides (ACP) the review will also cover carbamate pesticides as these have similar modes of action.

I welcome the ACP's intention that the review should be informed by all relevant sources of information.

LORD CHANCELLOR'S DEPARTMENT

Children's Rights Convention

Mr. David Heath: To ask the Parliamentary Secretary, Lord Chancellor's Department for what reason the United Kingdom has not ratified the European Convention on the Exercise of Children's Rights. [40371]

Mr. Hoon: The European Convention on the Exercise of Children's Rights was opened for signature on 25 January 1996 and has not yet been ratified by sufficient states to bring it into force. The Government will give this matter careful consideration as soon as their programme of business permits.

Patents (Great Seals)

Mr. Burstow: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement on the public holding arrangements for the Great Seals for the period 1617 and 1831 concerning patents granted. [40133]

Mr. Hoon: Copies of letters patent issued over the great seal between 1617 and 1831 could be enrolled in the Chancery patent rolls. Under the Public Records Act 1958, these patent rolls are open for consultation by the public in the Public Records Office.

Not all letters patent were thus enrolled and the system of enrolment broke down between 1648 and 1659, for which period few rolls survive. Original letters patent over the great seal were issued to the person to whom the grant was made. They thus passed into private hands, and were not subject to public holdings arrangements.

The matrix for a new seal is cast at the beginning of the reign of each Sovereign or when the Seal wears out. In the past, the old Seal was broken into several pieces but more recently, it has been the custom for the Sovereign to 'damask' (deface) the old Seal by means of a special

hammer, to render it unfit for use. The old Seal is then presented to the Lord Chancellor as a personal gift of the Sovereign.

Prisoners (Civil Justice)

Mr. Luff: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make it his policy to deny prisoners serving custodial sentences access to civil justice in matters relating to the conduct of the Prison Service unless they have first exhausted all internal grievance procedures and taken their case to the Prisons Ombudsman; and if he will make a statement. [41022]

Mr. Hoon: It is not legally possible to interfere with a person's right of access to the civil courts solely because they are in custody. Where alternative procedures exist, however, it is in order for these to be brought to the attention of the individual.

Contingency Fee Payments

Mr. Llwyd: To ask the Parliamentary Secretary, Lord Chancellor's Department how many representations he has received from interested parties which were supportive of his proposals for contingency fee payments to lawyers; and if he will make a statement. [40933]

Mr. Hoon: The Government have not made any proposals for contingency payments to lawyers. We have received 233 responses to the Consultation Paper *Access to Justice with Conditional Fees* by the closing date of 30 April 1998. These are currently being analysed.

Justices of the Peace

Mr. Beith: To ask the Parliamentary Secretary, Lord Chancellor's Department to what extent his Department uses political affiliation as a criterion in the selection of justices of the peace for advisory committees; and if he will make a statement. [40863]

Mr. Hoon: The Lord Chancellor requires that the composition of Advisory Committees should broadly reflect the communities which they serve and should include at least one acknowledged supporter of each of the main political parties. Both magistrate and non-magistrate members of committees are asked to declare their political affiliation when applying for appointments and this, together with age, gender, ethnic origin, place of residence and occupation, is taken into account in the appointment of suitable candidates.

Deaf Jurors

Mr. Levitt: To ask the Parliamentary Secretary, Lord Chancellor's Department what guidelines his Department has published for judges in respect of deaf jury members receiving communication support in *(a)* open court and *(b)* the jury room. [40819]

Mr. Hoon: Judicial training is the responsibility of the Judicial Studies Board (JSB) which is a non-departmental government body. The JSB has an advisory committee whose remit has recently been extended to cover all aspects of equal treatment training, including training on increasing awareness of the needs of people with hearing difficulties, including jury members. The Committee will be considering guidance for members of the judiciary on handling those with hearing difficulties.

Mr. Levitt: To ask the Parliamentary Secretary, Lord Chancellor's Department on how many occasions in the last year a judge has permitted a deaf person carrying out jury service to receive communication support from (i) a palantypist and (ii) a sign language interpreter. [40818]

Mr. Hoon: Palantypists are not available in the Crown Court. Details of those jurors using the support of a sign language interpreter are not held centrally and could be obtained only at a disproportionate cost.

Public Bodies

Mr. Öpik: To ask the Parliamentary Secretary, Lord Chancellor's Department how many and what proportion of his Department's appointees to non-departmental public bodies are (i) aged under 25, (ii) aged 25 to 30 and (iii) aged 31 to 35 years. [40744]

Mr. Hoon: The information requested is not available and could be obtained only at disproportionate cost. The Government are committed to encouraging a wide range of candidates to apply for positions on the boards of public bodies, reflecting the diverse society in which we live. This includes encouraging more young people to put themselves forward as potential candidates for public appointments. All appointments are made on merit, and candidates must demonstrate that they have the necessary skills and experience to match the needs of the public body on which they wish to serve.

HOME DEPARTMENT

Prisoners

Mr. Cawsey: To ask the Secretary of State for the Home Department if he will publish the guidance which will be given to governors concerning the assessment of the suitability of eligible prisoners for home detention curfew. [41865]

Ms Quin: We have today placed in the Library a draft version of the guidance to governors which would be used in assessing prisoners' suitability for Home Detention Curfew. A final version of the guidance will be included in a Prison Service Order which the Prison Service expects to issue to governors in October. Copies of that Order will be placed in the Library.

Mr. Malcolm Bruce: To ask the Secretary of State for the Home Department, pursuant to his answer of 5 May 1998, *Official Report*, columns *359–61*, on prisoners, to what dates in 1998 the figures in Table A are provided. [41354]

Ms Quin: The 1998 figures in table A of my reply of 5 May 1998, *Official Report*, columns *359–61* refer to the period 1 January to 31 March.

Mr. Malcolm Bruce: To ask the Secretary of State for the Home Department if he will make a statement on his policy in respect of the disbursement of revenues from prison work. [40234]

Ms Quin *[holding answer 30 April 1998]:* Planned income generated by activities in prison industries and farms is included in the voted provision contained in the annual Supply Estimate for the Prison Service as part of the receipts appropriated in aid of the gross expenditure borne on the Estimate. The relevant level of appropriations in aid is included in the budget allocated to each prison. We are shortly to issue guidance on new arrangements which will give governors greater flexibility to take up commercial opportunities which develop during the year.

Firearms Compensation

Mr. Robathan: To ask the Secretary of State for the Home Department, pursuant to his answer of 26 November 1997, *Official Report*, column *542*, on firearms compensation claims, when all compensation claims made under the Firearms (Amendment) Act 1997 under *(a)* options A and B and *(b)* option C, will be complete. [41225]

Mr. Michael: The estimated timetable for completion of compensation payments under the large calibre handgun compensation scheme remains as set out in the reply I gave to the hon. Member on 6 April 1998, *Official Report*, columns *19–20*, that is to say, completion by around the end of May for payments under Options A and B and by the end of the year for most, if not all, payments under Option C.

Immigration

Ms Hewitt: To ask the Secretary of State for the Home Department (1) how many women who are British Overseas citizens have been admitted for settlement under the quota voucher system in each year since quota vouchers were introduced; [41148]

(2) how many women British Overseas citizens would qualify for admission to the United Kingdom for settlement, if women were treated in the same way as men under the quota voucher system; [41150]

(3) under what circumstances a woman who is a British Overseas citizen can be admitted for settlement under the quota voucher system; [41147]

(4) what assessment he has made of the advantages of treating women British Overseas citizens in the same way as men under the quota voucher system. [41149]

Mr. Mike O'Brien: The Immigration Rules, set out in House of Commons Paper 395, provide for a British Overseas citizen to be granted indefinite leave to enter the United Kingdom if he or she is in possession of a special voucher. This provision applies equally to both men and women.

A British Overseas citizen may be issued with a special voucher if he or she fulfils a number of requirements, one of which is that the person concerned is the head of their household. Women will be considered to be the head of their household if they are single, widowed, divorced or married to a man who is incapable of fulfilling the role of head of household for medical reasons, in accordance with a House of Lords ruling that this is not unlawful under the Sex Discrimination Act 1975.

The available data on the number of women who have been admitted for settlement as special voucher holders in each year are given in the table.

Female British overseas citizens[1] granted settlement as special voucher holders 1968–97

Year	*Number*
1968	[2]—
1969	150
1970	140
1971	260
1972	330
1973	[2]—
1974	590
1975	800
1976	790
1977	490
1978	490
1979	530
1980	430
1981	390
1982	420
1983	530
1984	380
1985	320
1986	270
1987	270
1988	360
1989	290
1990	290
1991	260
1992	240
1993	170
1994	120
1995	120
1996	120
1997	90

[1] United Kingdom Passport Holders prior to 1 January 1983
[2] Not available

Human Rights

Mr. Mitchell: To ask the Secretary of State for the Home Department what plans he has to ratify Protocol 4 of the European Convention on Human Rights. [41754]

Mr. Mike O'Brien: We have no plans to ratify Protocol 4 at present. Ratification will be possible only if potential conflicts with our domestic laws can be resolved. There is a particular concern in relation to Article 3(2) of the Protocol, which protects the right of nationals not to be excluded from their home state. This could be taken as conferring the right of abode in the United Kingdom on various categories of British nationals who do not have it.

Sir Alastair Goodlad: To ask the Secretary of State for the Home Department to which optional provisions under UN and Council of Europe human rights agreements he is reviewing possible UK accession; which reservations to human rights treaties he is assessing the advantages of lifting; to which additional conventions he is assessing the advantages of acceding; and if he will make a statement. [41153]

Mr. Mike O'Brien: The Government announced on 3 July 1997, *Official Report*, column *221*, that they intended to review the United Kingdom's position under various international human rights instruments. This includes the question of whether to accept the right of individuals to submit complaints under the Optional Protocol to the International Covenant on Civil and

Political Rights, under Article 22 of the United Nations Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, and under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. The review is in progress and the outcome will be announced when it has been concluded.

In preparing the Human Rights Bill, we also reviewed the United Kingdom's position on Protocols 4, 6 and 7 to the European Convention on Human Rights. Our conclusions were set out in the White paper "Rights Brought Home" (CM 3782).

In addition, the Government have a commitment to review unratified International Labour Organisation (ILO) Conventions. The Government fully support the principles embodied in the core ILO Conventions and are currently reviewing the United Kingdom's position with regard to ratification of the Conventions on minimum age and discrimination in employment.

Proxy Voting

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department what steps he is taking to eliminate fraud in respect of proxy voting. [41584]

Mr. George Howarth: The Working Party on Electoral Procedures, which I chair, will be examining both proxy and postal voting. We will pay particular attention to the need to achieve a balance between accessibility and the prevention of abuse.

Animal Procedures Committee

Dr. Starkey: To ask the Secretary of State for the Home Department if he will list the members of the Animal Procedures Committee, and their records of attendance for each of the meetings in *(a)* 1996, *(b)* 1997 and *(c)* 1998. [41343]

Mr. George Howarth: The membership of the Animal Procedures Committee and records of attendance have been as follows (attendance is signified by + and their absence by −):

Name of APC member	*January*	*March*	*May*	*June*	*July*	*September*	*November*	*December*
(a) 1996								
Prof. Brazier	+	+	+	+	+	+	−	+
Prof. Anderson	+	+	−	−	+	+	+	−
Prof. Boden	+	+	−	+	−	−	+	+
Prof. Bridges	+	+	−	+	+	+	+	+
Prof. Broughton Pipkin	+	−	+	+	−	+	+	+
Dr. Christopher	+	+	+	+	+	+	−	+
Dr. Cripps	+	−	−	+	−	−	−	+
Dr. Flack[1]	+	+						
Prof. Flecknell	+	−	+	+	−	+	+	+
Prof. Iversen	+	−	−	−	+	−	+	+
Mrs. Macarthur Clark	+	−	+	−	−	+	−	−
Miss Milburn	+	−	+	−	+	+	+	+
Dr. Purchase	+	−	−	+	−	−	+	+
Dr. Southee	+	−	+	+	+	+	+	+
Prof. Spyer	−	−	−	+	−	+	+	−
Dr. Suckling	+	+	+	+	+	+	+	+
Mr. Ward	+	+	+	+	+	+	+	+

[1] Dr. Flack resigned from the Committee in March 1996

Name of APC member	*January*	*February*	*April*	*May*	*June*	*July*	*September*	*October*	*November*	*December*
(b) 1997										
Prof. Brazier	+	+	+	+	+	+	+	−	+	+
Prof. Anderson	+	+	+	−	+	+	+	+	+	+
Prof. Boden	+	+	+	+	−	−	+	+	+	−
Prof. Bridges[1]	+	+	+	+	−	+	+	+	−	+
Prof. Broughton Pipkin[1]	+	−	+	+	+	+	−	+	−	+
Dr. Christopher[2]	+	+	−	−	−	−				
Dr. Cripps	−	+	−	−	−	−	−	−	+	−
Prof. Dunbar[3]	+	+	+	+	+	+	−	−	+	−
Prof. Flecknell	−	−	+	+	−	+	+	−	+	+
Mr. Gregory[3]	+	+	+	+	−	+	+	+	+	−
Prof. Iversen[1]	−	+	+	+	−	−	+	+	+	−
Mrs. Macarthur Clark	−	−	+	+	+	+	−	+	−	−
Miss Milburn	+	−	−	+	+	−	−	+	+	+
Dr. Purchase	−	−	−	+	−	−	−	+	+	+
Dr. Southee	+	+	+	−	−	+	+	+	−	+
Prof. Spyer[1]	+	+	+	+	−	−	−	+	+	+
Dr. Suckling	−	+	+	+	+	−	+	+	+	+
Prof. Turner[3]	−	+	+	−	−	−	+	+	+	+
Mr. Ward	+	+	+	+	+	+	+	+	+	+

[1] Professors Bridges, Broughton Pipkin, Iversen and Spyer retired from the Committee in December 1997.

[2] Dr. Christopher resigned from the Committee in August.

[3] Professors Dunbar and Turner and Mr. Gregory were appointed to the Committee with effect from 1 January 1997.

Name of APC Member	January	March	April	May
(c) 1998				
Prof. Brazier[1]	+			
Prof. Banner[2]		+	+	+
Prof. Anderson	+	+	+	+
Prof. Boden	+	+	+	+
Dr. Clark			+	+
Dr. Cripps	–	+	+	+
Prof. Dunbar	+	+	+	+
Prof. Flecknell	+	–	+	+
Mr. Gregory	+	–	+	+
Dr. Jennings[3]			+	+
Dr. Langley[3]			+	+
Mrs. Macarthur Clark[3]	+	–	+	–
Prof. Martin[3]			–	+
Miss Milburn	+	+	–	–
Dr. Purchase	+	–	+	+
Dr. Southee	.	.	+	+
Dr. Suckling	+	+	+	.
Prof. Turner	+	+	+	+
Mr. Ward	+	+	+	+

[1] Professor Brazier resigned from the Committee in January 1998.

[2] Professor Banner joined the Committee on 1 February 1998.

[3] Professor Martin and Drs. Clark, Jennings and Langley joined the Committee on 1 April 1998.

Dr. Starkey: To ask the Secretary of State for the Home Department if he will make it his policy to publish members' attendances at future meetings of the Animal Procedures Committee. [41342]

Mr. George Howarth: I will ask the Animal Procedures Committee to consider publishing this information in its annual report.

Incapacitants

Mr. Livingstone: To ask the Secretary of State for the Home Department (1) if he will list the possible incapacitant agents which were assessed before the CS sprays were adopted for police use; [38609]

(2) how many published and internal papers have been written by his Department on the health effects of CR gas sprays since 1991; and what are the current security classifications of the internal reports. [38608]

Mr. Michael: CR (Dibenz (b.f)-1:4-oxazepine) was considered in a report by the Chemical and Biological Defence Establishment, commissioned by the Home Office, which reviewed the toxicology of CS (Orthochlorobenzylidene Malonitrile). The report, which was produced in December 1994, is unclassified and copies have been placed in the Library. The Home Office has not produce any other published or internal reports on CR.

Incapacitants considered in the 1994 report apart from CS and CR were CN (chloroacetophenone, commonly known as Mace) and oleoresin capsicum (commonly known as pepper spray). None of the alternatives to CS is considered to be an appropriate incapacitant for use by police officers in this country.

DEFENCE

Officers

Mr. Bayley: To ask the Secretary of State for Defence if he will list the number of *(a)* 4 star, *(b)* 3 star, *(c)* 2 star and *(d)* 1 star officers in respect of the (i) Royal Navy, (ii) Army, (iii) Royal Marines and (iv) Royal Air Force and the total number of service personnel based in each of the Government's standard regions of England and in Scotland and in Wales at the latest date for which figures are available. [40997]

Dr. Reid: The number of 1 to 4 star officers, by Service, and the total number of Service personnel, based in each of the Government's standard regions of England, Scotland, and Wales, as at 1 July 1997 (the latest breakdown figures available) are set out in the tables.

Number of 1 to 4 star officers by region

	All services	Royal Navy	Royal Marines	Army	RAF
North West					
4 star	—	—	—	—	—
3 star	—	—	—	—	—
2 star	—	—	—	—	—
1 star	1	—	—	1	—
Yorks & Humberside					
4 star	—	—	—	—	—
3 star	—	—	—	—	—
2 star	1	—	—	1	—
1 star	5	—	—	5	—
East Midlands					
4 star	—	—	—	—	—
3 star	—	—	—	—	—
2 star	1	—	—	—	1
1 star	4	—	—	1	3
West Midlands					
4 star	—	—	—	—	—
3 star	—	—	—	—	—
2 star	1	—	—	1	—
1 star	3	1	—	2	—
Eastern					
4 star	2	1	—	—	1
3 star	3	2	—	1	—
2 star	7	1	—	—	6
1 star	27	8	1	4	14
London					
4 star	6	1	—	2	3
3 star	7	—	—	4	3
2 star	29	7	—	10	12
1 star	64	20	1	24	19
South East					
4 star	3	1	—	—	2
3 star	4	2	—	1	1
2 star	21	7	2	7	5
1 star	86	25	5	42	14
South West					
4 star	3	—	—	3	—
3 star	4	1	—	2	1
2 star	26	7	—	10	9
1 star	81	17	2	41	21
Wales					
4 star	—	—	—	—	—
3 star	—	—	—	—	—
2 star	—	—	—	—	—
1 star	2	—	—	1	1
Scotland					
4 star	—	—	—	—	—
3 star	—	—	—	—	—
2 star	3	1	—	2	—
1 star	6	1	—	4	1

Note:
No 1 to 4 star officers are based in North East or Merseyside regions

Total number of service personnel by region

	All services	*Naval services*	*Army*	*RAF*
North East	1,294	25	784	485
North West	1,981	18	1,786	177
Merseyside	200	28	151	21
Yorks & Humberside	10,958	103	8,838	2,017
East Midlands	7,791	110	934	6,747
West Midlands	5,102	91	3,480	1,531
Eastern	17,039	1,081	7,511	8,447
London	7,338	916	4,088	2,334
South East	46,567	15,337	22,865	8,365
South West	44,367	18,657	16,211	9,499
Wales	3,333	27	929	2,377
Scotland	13,891	5,283	2,953	5,655

Departmental Personnel

Mr. Hancock: To ask the Secretary of State for Defence how many former Royal Marines personnel *(a)* above the rank of captain and *(b)* at or below the rank of captain are currently employed by his Department on a (i) full-time, (ii) part-time and (iii) consultant basis. [39936]

Dr. Reid: The number of former Royal Marines service personnel above the rank of captain employed by the Ministry of Defence on a full-time basis is 10; none is employed on a part-time basis. The number at or below the rank of captain employed on a full time basis is 174; none is employed on a part time basis.

The number of former Royal Marines service personnel employed by the Ministry of Defence on a consultant basis is not held centrally and could be made available only at disproportionate cost.

Mr. Hancock: To ask the Secretary of State for Defence how many former Royal Navy service personnel *(a)* above the rank of lieutenant commander and *(b)* at or below the rank of lieutenant commander are currently employed by his Department on a (i) full-time, (ii) part-time and (iii) consultant basis. [39934]

Dr. Reid: The number of former Royal Navy service personnel above the rank of lieutenant commander employed by the Ministry of Defence on a full-time basis is 69; the number employed on a part-time basis is one. The number at or below the rank of lieutenant commander employed on a full-time basis is 953; the number employed on a part-time basis is seven.

The number of former Royal Navy service personnel employed by the Ministry of Defence on a consultant basis is not held centrally and could be made available only at disproportionate cost.

Mr. Hancock: To ask the Secretary of State for Defence how many former RAF service personnel *(a)* above the rank of squadron leader and *(b)* at or below the rank of squadron are currently employed by his Department on a (i) full-time, (ii) part-time and (iii) consultant basis. [39933]

Dr. Reid: The number of former RAF service personnel above the rank of squadron leader employed by the Ministry of Defence on a full-time basis is 122; the number employed on a part-time basis is two. The number at or below the rank of squadron leader employed on a full-time basis is 1,598; the number employed on a part-time basis is 19.

The number of former RAF service personnel employed by the Ministry of Defence on a consultant basis is not held centrally and could be made available only at disproportionate cost.

Mr. Hancock: To ask the Secretary of State for Defence how many former army personnel *(a)* above the rank of major and *(b)* at or below the rank of major are currently employed by his Department on a (i) full-time, (ii) part-time and (iii) consultant basis. [39935]

Dr. Reid: The number of former army service personnel above the rank of major employed by the Ministry of Defence on a full-time basis is 514; the number employed on a part-time basis is two. The number at or below the rank of major employed on a full-time basis is 2,404; the number employed on a part-time basis is 11.

The number of former army service personnel employed by the Ministry of Defence on a consultant basis is not held centrally and could be made available only at disproportionate cost.

Field Marshals

Mr. Gordon Prentice: To ask the Secretary of State for Defence how many *(a)* serving and *(b)* retired field marshals there are; and, in respect of the latter, what continuing duties or obligations they have. [41223]

Dr. Reid: One of the recommendations made in the Independent Review of the Armed Forces' Manpower, Career and Remuneration Structures by Sir Michael Bett was that promotion to 5-star rank should cease in peacetime. There is now no serving officer at Field Marshal rank. There are, however, eight retired Field Marshals retained on the active list. In terms of continuing duties and obligations some have retained honorary appointments connected with the Army which tend to be ceremonial and do not involve official commitment. These are: Constable Tower of London, Master Gunner St. James's Park, Vice Lord Lieutenant Wiltshire and Lord Lieutenant Greater London. In addition, two members of The Royal Family hold the honorary rank of Field Marshal, as does HM The King of Nepal.

Indonesia

Ann Clwyd: To ask the Secretary of State for Defence, pursuant to his answer on 16 February 1998, *Official Report*, column *483*, what was the nature of the exercises conducted by the Royal Navy with Indonesian forces in the South China Sea in 1997; and what was the cost of those exercises. [41551]

Dr. Reid: HMS Richmond visited Jakarta from 9 to 12 April 1997 as part of the Royal Navy's *Ocean Wave* 97 deployment to the Asia-Pacific region. She participated in a low-key, passing exercise (PASSEX) with a ship from the Indonesian Navy as she left Jakarta following the visit. The PASSEX comprised a communications exercise and practice approaches for replenishment at sea. HMS Richmond also gave a demonstration of her Lynx helicopter as she left port. Exercises of this type are

routinely undertaken with host navies by Royal Navy ships either at the beginning or upon completion of a visit to an overseas port. No separate costings of this activity were made.

TREASURY

Economic and Monetary Union

Mr. Bercow: To ask the Chancellor of the Exchequer, pursuant to his answer of 4 March 1998, *Official Report*, column *664*, if he will place in the Library his Department's latest assessment of the effect of the sale of excess reserves of *(a)* gold and *(b)* foreign currency by central banks participating in EMU on (i) world gold prices and (ii) international exchanges; and what assessment his Department has made of the need to modify Bank of England holdings of such prior to the settling of the Frankfurt reserves of the Central Bank. [41509]

Mr. Geoffrey Robinson: No.

Economic Growth

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what is his estimate of the quarterly growth rate of the combined industrial, construction and agricultural sector of the United Kingdom economy in *(a)* the fourth quarter of 1997 and *(b)* the first quarter of 1998; and if he will make a statement. [41162]

Mrs. Liddell *[holding answer 11 May 1998]:* Output in the combined industrial, construction and agricultural sector fell by 0.5 per cent. in the fourth quarter of 1997. Estimates for the first quarter of 1998 will be published by the Office for National Statistics on 22 May.

Comprehensive Spending Review

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will make a statement on the progress of the Comprehensive Spending Review. [41163]

Mr. Darling *[holding answer 11 May 1998]:* The CSR is proceeding to timetable. It is on schedule for completion this Summer.

NVQ Training Providers

Mr. Chope: To ask the Chancellor of the Exchequer if flying instructors registered with the Inland Revenue as training providers under the NVQ scheme will be able to continue to provide to existing clients training at a cost reduced by the standard rate of income tax beyond 30 June; and if he will make a statement. [41351]

Dawn Primarolo *[holding answer 11 May 1998]:* Vocational training relief, the tax relief for certain training expenses, is available on payments for training which can count towards a National Vocational Qualification (NVQ) or a Scottish Vocational Qualification (SVQ). Notice has been given by the Qualifications Authorities that the Piloting Transport Aircraft and Piloting Rotary Wing Transport Aircraft qualifications will cease to be accredited as NVQs or SVQs from 30 June 1998. Trainees who have registered with an Awarding Body for these qualifications before 30 June 1998 will be able to complete their training towards the NVQ or SVQ during the three years after 30 June (four years in Scotland). These trainees will be able to continue to obtain vocational training relief on the cost of training which takes place after 30 June 1998. The Inland Revenue is writing to all training providers who operate vocational training relief to explain the arrangements for giving tax relief on flight training after 30 June 1998.

North Sea Fiscal Regime

Sir Robert Smith: To ask the Chancellor of the Exchequer when he will publish his consultation paper on the North Sea fiscal regime; and if he will make a statement. [41575]

Dawn Primarolo *[holding answer 12 April 1998]:* The consultative document on the North Sea fiscal regime is expected to be issued shortly.

Mozambique (Debt Repayments)

Mr. Timms: To ask the Chancellor of the Exchequer how much in debt service is expected to be paid by Mozambique, in US dollars, in each year from 1998 to 2002, following the recent agreement under the HIPC initiative, according to *(a)* the HIPC final document, and *(b)* the latest estimates. [41207]

Mrs. Liddell *[holding answer 8 May 1998]:* The HIPC Final document produced by the IMF does not give figures of debt service after full debt relief under the HIPC initiative.

The latest estimates of the debt service that Mozambique will have to pay after receiving debt relief under the HIPC initiative are:

Year	*Debt service $ million*
1998	124
1999	147
2000	97
2001	101
2002	97

Debt relief under the HIPC initiative will reduce Mozambique's stock of debt by $1,487 million in Net Present Value terms. Without this debt relief, Mozambique would have been due to pay an average of over $450 million a year in debt service over this period.

Mr. Timms: To ask the Chancellor of the Exchequer how much was paid in debt service by Mozambique, in US dollars, in each year from 1995 to 1997. [41206]

Mrs. Liddell *[holding answer 8 May 1998]:* The debt service paid by Mozambique between 1995 and 1997 was:

Year	*Debt service paid $ million*
1995	112
1996	131
1997	97

The debt service paid in these years was, however, only a fraction of the total debt service due, which was some $375 million a year.

Tax-free Sales

Mrs. Ewing: To ask the Chancellor of the Exchequer what assessment he has made of the effect on *(a)* income and *(b)* employment, in manufacturing industry in the United Kingdom of the abolition of internal European Union tax-free sales in 1999, with particular reference to the Scotch whisky sector; and if he will make a statement. [41171]

Dawn Primarolo: No assessment has been made of the effect on income or employment in the Scotch Whisky sector in the United Kingdom of the abolition of intra-EU duty and tax-free sales in 1999.

Mrs. Ewing: To ask the Chancellor of the Exchequer what assessment he has made of the advantages to the United Kingdom of the abolition of internal European Union tax-free sales in 1999. [41174]

Dawn Primarolo: Customs and Excise have advised me that the abolition of intra-EU and duty-free sales in 1999 may result in an increase in Customs' receipts of about £100 million in a full year. This is very much a provisional estimate.

Mrs. Ewing: To ask the Chancellor of the Exchequer if he will ensure that the abolition of internal European Union tax-free sales will be on the agenda of the next ECOFIN meeting. [41172]

Dawn Primarolo: This issue is on the agenda for the next ECOFIN Council meeting to be held on 19 May 1998.

Mrs. Ewing: To ask the Chancellor of the Exchequer what discussions he has had with European finance ministers regarding possible structural assistance to industries and areas which face a loss of business as a result of the abolition of internal European Union tax-free sales; and if he will press for such financial assistance to be given. [41173]

Dawn Primarolo: I have had no such discussions with European finance ministers regarding possible structural assistance to be given to industries or areas which face a loss of business as a result of the abolition of intra-EU duty and tax-free sales in 1999.

Mrs. Ewing: To ask the Chancellor of the Exchequer what assessment he has made of the impact on patterns of tourism to and from the United Kingdom of the abolition of internal European Union tax-free sales in 1999; and if he will make a statement. [41170]

Dawn Primarolo: No assessment has been made of the impact on patterns of tourism to and from the United Kingdom of the abolition of intra-EU duty and tax-free sales in 1999.

Mr. Gordon Prentice: To ask the Chancellor of the Exchequer what steps he is taking to respond to the resolution of the Transport Ministers Council on 17 March calling on ECOFIN to ensure that a study is undertaken of the impact of abolition of duty free within the European Union. [41222]

Dawn Primarolo: This matter is on the agenda for the next ECOFIN Council meeting to be held on 19 May 1998.

Government Information (Access)

Mr. Dafis: To ask the Chancellor of the Exchequer if he will make it his policy to state which exemption of the Code of Practice on Access to Government Information is being invoked to prevent the release of information in answer to parliamentary questions. [40873]

Dawn Primarolo: Treasury Ministers would expect to explain the reasons why information could not be provided in answer to parliamentary questions.

Mr. Dafis: To ask the Chancellor of the Exchequer (1) pursuant to his answer of 6 March 1998, *Official Report*, column *817*, which exemption in the Code of Practice on Access to Government Information makes publication of the correspondence inappropriate; [40870]

(2) pursuant to his answer to the hon. Member for Bolton, South-East (Dr. Iddon) of 12 March 1998, *Official Report*, column *313*, on VAT rates on housing works, which exemption in the Code of Practice on Access to Government Information makes publication of the correspondence inappropriate. [40874]

Dawn Primarolo: Exemptions 1 and 2 apply.

Mr. Dafis: To ask the Chancellor of the Exchequer in how many answers to parliamentary questions his Department has declined to provide information because it was inappropriate under the Code of Practice on Access to Government Information since 1 May 1997; and what subjects those questions concerned. [40867]

Dawn Primarolo: Treasury records show that in the case of some 19 of the 3,500 or so parliamentary answers given by Ministers in the present Parliament the information sought was not made available as is permitted under the Code of Practice on Access to Government Information. These questions concerned such matters as individuals' tax affairs, personal information relating to officials, representations made to Ministers in confidence on commercial and other matters and internal discussions and advice on various policy issues.

Additionally, Treasury Ministers have traditionally declined to disclose in advance information relating to the Chancellor's Budget statement. In innumerable other instances, statistical and other information either is not available or cannot be presented in the form requested.

Civil Registration Records

Mr. Todd: To ask the Chancellor of the Exchequer what steps he will take to improve access to historic registration records. [41349]

Mr. Kidney: To ask the Chancellor of the Exchequer what proposals he has for allowing free public access to the records of civil registration of births, marriages and deaths. [41341]

Mrs. Liddell: I refer to the answer I gave to my hon. Friend the Member for Pendle (Mr. Prentice) on 7 May 1998, *Official Report*, column *455*.

Cornwall

Mr. Wigley: To ask the Chancellor of the Exchequer on what date the Office for National Statistics first proposed that Cornwall should be considered as a NUTS 2 area in its

own right for Eurostat purposes; and on what date his Department notified Eurostat that such a unit should be considered for structural fund purposes. [41106]

Mr. Geoffrey Robinson: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to arrange for a reply to be given.

Letter from Tim Holt to Mr. Dafydd Wigley, dated 12 May 1998:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on the proposal to consider Cornwall as a separate NUTS-2 area for European purposes.

I wrote to Eurostat on 30 June 1997 with proposals for a new NUTS structure for the UK, which included the designation of Cornwall as a separate NUTS-2 area. Those proposals are still being discussed between Eurostat and the Government Statistical Service.

The consideration of any areas for Structural Funds purposes is not a matter for the ONS or for Eurostat.

Correspondence

Mr. Townend: To ask the Chancellor of the Exchequer, pursuant to the answer of 26 March 1998, *Official Report*, column *278*, if the Financial Secretary will in future keep a record of the number of letters sent to hon. Members which are not personally signed. [38186]

Dawn Primarolo: Treasury Ministers see no need to maintain such a record.

EDUCATION AND EMPLOYMENT

Staff Car Mileage Allowance

Mr. Stunell: To ask the Secretary of State for Education and Employment (1) what percentage of the staff of all grades employed by his Department were eligible to claim a car mileage allowance on 31 March in each year since 1990; [40435]

(2) what were *(a)* the total value in real terms of staff car mileage claims paid, *(b)* the total value in real terms of staff rail fares paid, *(c)* the total amount of staff car mileage for which reimbursement was made and *(d)* the percentage change from the previous year in each case, for his Department in each year since 1989–90. [40440]

Dr. Howells: The information requested is available only at disproportionate cost.

Further and Higher Education

Mrs. Curtis-Thomas: To ask the Secretary of State for Education and Employment what is the average number of years of full-time equivalent post-school specialist learning provided per head of population for the age group 16 to 25 years in *(a)* the United Kingdom and *(b)* other EU countries. [41105]

Dr. Howells: An average[1] of 2.7 full-time equivalent years are spent studying in UK further and higher education institutions, between the ages of 16 and 25. If post-compulsory school-age studies in a school setting are included, this increases to 3.4 full-time equivalent years. Comparable information is unavailable for other EU countries.

[1] Enrolment and population data for 1996–97 are used to calculate an "expected" number of years in education

Mrs. Curtis-Thomas: To ask the Secretary of State for Education and Employment what is the average cost per head per year of full-time education in *(a)* the higher education sector and *(b)* the further education sector. [41099]

Dr. Howells: In 1996–97, the average funding for teaching and research per full-time equivalent per year was £4,700 in the higher education sector. In the further education sector the unit funding, for teaching only, was £2,920. Figures are presented at 1996–97 prices.

Standard Assessment Tests

Mr. Don Foster: To ask the Secretary of State for Education and Employment what percentage, to three decimal places, of all year 2 *(a)* pupils, *(b)* boys and *(c)* girls, attained (i) Level 2 or better, (ii) Level 3 or better, (iii) Level 4 or better and (iv) Level 5 or better in the Key Stage 1 English SAT tests for (1) reading, (2) writing and (3) English, in each local education authority area; and what was the national average level attained per pupil and by each gender in (A) 1996 and (B) 1997. [38160]

Mr. Byers *[holding answer 7 April 1998]:* The full information is not available in the form requested.

Child Care

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment (1) what assessment his Department has made of the likelihood of individuals offered training in childcare, as part of the New Deal, achieving sufficient qualifications to work in that intended capacity for local authority social services or education departments; [41528]

(2) what assessment his Department has made of the likelihood of individuals offered training in childcare, as part of the New Deal, subsequently achieving NVQ level 3 as a result of continued employer support after the initial six months of New Deal funding. [41529]

(3) if he will extend the New Deal arrangements for training to ensure that participants seeking qualifications for employment in childcare can continue beyond NVQ level 2. [41530]

Mr. Andrew Smith: Young people on the New Deal for 18–24 year olds, who wish to train to work with children, can work towards an NVQ level 3 childcare qualification during their New Deal placement, if their previous experience and qualifications are appropriate. If they gain an NVQ level 2 or 3 qualification, this will help them find employment whether in the voluntary sector, private sector or with a local authority. There is currently no formal requirement within the Children Act 1989 that childcare workers should have qualifications, but, in

registering a provider, the authority will look at the range of experience, qualifications and maturity of the person concerned and any other staff.

In some areas, individual local authorities have introduced, through their discretionary powers, requirements of registration to the effect that providers must either have, or be working towards, certain qualification levels. This should not, however, prevent childcare providers, including local authorities, from employing these young people under supervision, after their New Deal placement ends. Moreover, the local New Deal partnership may be able to arrange for the young person to work towards an NVQ level 3 qualification, after their New Deal placement ends, as part of the New Deal 'follow through' strategy. This could be arranged through the Training and Enterprise Council, using funding from the employer, or other sources—for example, the Single Regeneration Budget and the European Social Fund.

We are not in a position to predict the proportion of young people on New Deal who train to work with children who will thereafter work for local authorities, nor the number who will gain NVQ level 3 qualifications with employer support after their New Deal placement ends, as this will vary according to individual and local circumstances.

The Department and the Department of Health recently issued a consultation paper on the regulation of early education and daycare. The consultation paper outlines the Government's intention to introduce more consistent regulatory standards across different sectors and localities. We have also asked the Qualifications and Curriculum Authority and the relevant National Training Organisations to look at qualifications for childcare and early years workers.

Mr. Hammond: To ask the Secretary of State for Education and Employment when he will publish the Green Paper on Child Care Strategies. [41654]

Mr. Alan Howarth: Our Green Paper on the national child care strategy will be published shortly. This will set out the broad principles of the strategy covering the whole of the United Kingdom and detailed proposals for England. My right hon. Friends the Secretaries of State for Scotland, for Wales and for Northern Ireland will be publishing in due course their own documents on implementation of the strategy in those countries.

National Grid for Learning

Mr. Ian Taylor: To ask the Secretary of State for Education and Employment what technological barriers have been developed by his Department in the introduction of the National Grid for Learning, to secure children from access and exposure to unsuitable and damaging Internet material. [41345]

Dr. Howells: The Department has commissioned the British Educational Communications and Technology Agency to publish good practice guidance on the use of information and communications technologies in schools. This includes up to date advice on installing controlling software on classroom computers as well as more general advice on access by pupils to the Internet. LEAs and schools are required as a condition of the Standards Fund grant for the National Grid for Learning to have in place policies on protecting pupils from on-line access to undesirable materials. Industry is of course sensitive to the need to develop improved mechanisms to screen out such material.

Mr. Ian Taylor: To ask the Secretary of State for Education and Employment what provisions have been made to monitor children's use of classroom computers when searching the Internet. [41347]

Dr. Howells: The Department has commissioned the British Educational Communications and Technology Agency to publish good practice guidance on the use of information and communications technologies in schools. This includes advice on proper monitoring of pupil's use of the Internet in the classroom. LEAs and schools are required as a condition of the Standards Fund grant for the National Grid for Learning to have in place policies on protecting pupils from on-line access to undesirable materials.

Mr. Ian Taylor: To ask the Secretary of State for Education and Employment what financial provision he will make available to local education authorities to meet the costs of *(a)* installing and *(b)* maintaining the National Grid for Learning in their area. [41346]

Dr. Howells: The Government are supporting £100 million of ICT-related expenditure by LEA-maintained schools in 1998–99 through the Standards Fund. By building on LEAs' own development plans for information and communications technology (ICT) and those of their schools these grants will help schools to gain access to the National Grid for Learning by enabling them progressively to improve their provision. Support for future years will be determined in the light of the outcomes of consultation on the NGfL and the progress of overall strategy.

Pre-school Learning

Mr. Hammond: To ask the Secretary of State for Education and Employment what estimate he has made of the average hourly rates of pay of employees of pre-school learning groups. [41655]

Ms Estelle Morris: Rates of pay will vary with the type of group. Most pre-schools are sessional: I understand that average hourly rates of pay for staff in such pre-schools in membership of the Pre-school Learning Alliance are £4.40 for pre-school leaders.

Mr. Hammond: To ask the Secretary of State for Education and Employment how he intends to allocate the £500,000 announced on 6 April for the purposes of stopping further closures of pre-schools; and how he will ensure that the money achieves his stated objective. [41656]

Ms Estelle Morris: With the help of the Pre-school Learning Alliance and other playgroup organisations, Early Years Development Partnerships will be asked to identify good pre-schools where some short-term funding may avert the threat of closure. Criteria for the distribution of funds will be discussed with the Local Government Association and the pre-school organisations.

Disabled People

Mr. Viggers: To ask the Secretary of State for Education and Employment if he will make a statement on the future financial support from his Department for disabled persons and disability groups through the Access Committee for England. [40559]

Mr. Alan Howarth: The Department of Education and Employment has only once provided financial support for ACE. That was in respect of a research project into the settlement of disputes between disabled people and service providers. There is a small balance to pay—£2,501—on successful completion of the project.

ACE are free to bid for funding for future project work. All such applications are considered on their merits.

SCOTLAND

Local Authority Elections

Mr. Charles Kennedy: To ask the Secretary of State for Scotland if he will make a statement on the progress of the Boundary Commission in respect of the 1999 local authorities elections. [41200]

Mr. Macdonald: To date, the Local Government Boundary Commission for Scotland have submitted reports on five council areas, namely Angus, East Lothian, Perth and Kinross, East Dunbartonshire and Moray, and we are expecting them to send in reports for all other authorities within the next few months.

Further Education Funding

Mr. Moore: To ask the Secretary of State for Scotland what criteria are being used to determine the distribution of the strategic fund element of the recurrent grant-in-aid funding for Scottish colleges in 1998–99. [40895]

Mr. Wilson *[holding answer 7 May 1998]:* Of the £6.76 million Strategic Fund for 1998–99, £4.21 million has already been allocated to 13 colleges to limit their grant losses this year under the funding formula to no more than 6 per cent. The criteria which will be used to determine the allocation of the balance, which will largely be used to support strategic initiatives within the further education sector, are still under consideration.

Mr. Moore: To ask the Secretary of State for Scotland what is the level of the fixed element cost of the grant-in-aid funding for Scottish colleges in 1998–99; and what was the level in financial years *(a)* 1993–94, *(b)* 1994–95, *(c)* 1995–96, *(d)* 1996–97 and *(e)* 1997–98. [40893]

Mr. Wilson *[holding answer 7 May 1998]:* The annual fixed element of recurrent grant-in-aid for Scotland further education colleges is shown in the table, on a 'per college' basis.

Years	*£*
1993–94	Nil
1994–95	Nil
1995–96	207,500
1996–97	250,000
1997–98	250,000
1998–99	200,000

Scottish Parliament

Mr. Wigley: To ask the Secretary of State for Scotland what estimate he has made of the total cost of the building to house the Scottish Parliament, broken down into the costs of *(a)* securing the land, *(b)* construction of the debating chamber and associated administrative offices, *(c)* construction of offices for members and *(d)* equipping and furnishing it. [41110]

Mr. Dewar: The estimated construction cost of the Scottish Parliament building at Holyrood is around £55 million, including site acquisition costs and demolition costs but excluding fees and VAT. The estimated total cost of acquiring and preparing the Holyrood site is approximately £4 million. A detailed breakdown between the cost elements for the debating chamber, the administrative offices, Members' offices, equipment and furniture is not yet available. These costs cannot be estimated until the design team is appointed in the summer of 1998 and has undertaken further detailed work.

Mr. Wigley: To ask the Secretary of State for Scotland what estimate he has made of the length of time during which the Scottish Parliament will have to meet in temporary premises; and what is the *(a)* cost of renting this facility and *(b)* capital cost of adapting, furnishing and equipping this facility. [41101]

Mr. Dewar: The Scottish Parliament is expected to meet in temporary accommodation from May 1999 until the new building at Holyrood, Edinburgh, is ready for occupation in the second half of 2001. The estimated cost of preparing the temporary accommodation for use by the Parliament and for rent and rates over a 2-year period is estimated at £6 million. This does not include heating, lighting, security or other building-related costs, or the provision of IT and broadcasting equipment, furniture and services. These costs are still being assessed.

Student Awards Agency

Mr. Ernie Ross: To ask the Secretary of State for Scotland what recommendations he has received following the review he established into the operations of the Students Awards Agency for Scotland; and if he will make a statement. [41894]

Mr. Wilson: In view of the unacceptable situation experienced last year, in which students experienced very considerable delays in the processing of their applications for awards, I requested a Review of the Agency's operation arrangements; and established an independent Steering Committee, under the Chairmanship of Mr. G. Wilson CB, Head of The Scottish Office Education and Industry Department, to oversee the review. I asked for a report by April.

The Steering Committee reported to me on schedule, with a statement covering the Review report. The problems identified in relation to last year were difficulties with the new computer system and inadequate staff resources (as a result of staff reductions which took place during the period for the previous Government) to deal with the consequences of these difficulties. I am arranging for copies of the report and statement to be placed in the Libraries of both Houses; and to be made publicly available.

The Review has produced a number of recommendations relating both to the staffing resources and processing arrangements of the Agency. I accept these recommendations, and am arranging for additional resources, of up to £380,000 to be available to the Agency. I am also strengthening the senior management of the Agency to ensure that the recommended improvements to the processing arrangements are taken forward quickly.

I am grateful to the Steering Committee for their advice. They will continue in existence to monitor implementation of these arrangements, and to be available to offer further advice as required.

I am confident that the steps I have taken will ensure that the Agency provides a good service, especially to the students.

Tweed and Eye Protection Order

Mr. Kirkwood: To ask the Secretary of State for Scotland if he will list those persons and organisations recently consulted about the Tweed/Eye River protection order prior to his decision to revoke the order other than for those with angling interests in the Whiteadder area. [41469]

Mr. Macdonald: The difficulties with access in the area covered by the Tweed and Eye Protection Order came to light during a wider consultation exercise on the effectiveness of Protection Orders. A list of respondees has been placed in the Library of the House. Fifty-four responses were received, of which seven were from angling interests outwith the Whiteadder area.

A further two representations were received by angling interests outwith the area after the consultation exercise closed.

Mr. Kirkwood: To ask the Secretary of State for Scotland what factors led him to conclude that it was necessary to revoke the protection order covering the Tweed/Eye River system; and what account he took of recent discussions between interested parties in the Whiteadder area. [41471]

Mr. Macdonald: Protection Orders are first and foremost intended to provide greater public access to angling. This has not been the case for some time with the Tweed and Eye Protection Order, despite attempts by the River Tweed Commissioners, Tweed Liaison Committee and the Scottish Anglers' National Association to resolve access problems. I am aware that discussions concerning the Whiteadder are continuing.

Mr. Kirkwood: To ask the Secretary of State for Scotland how many responses to the consultation process on the operation of protection orders commenced in 1997 he has received; and how many of those responses referred to difficulties in the operation of the Tweed/Eye order. [41473]

Mr. Macdonald: A total of 54 responses were received. Of these, 11 referred to difficulties in the operation of the Tweed and Eye Protection Order.

Mr. Kirkwood: To ask the Secretary of State for Scotland what representations he has received from angling interests, other than those in the Whiteadder area, about riparian owners denying access to anglers in the Tweed/Eye River catchment area covered by the current protection order. [41470]

Mr. Macdonald: Six representations from angling interests outwith the Whiteadder area have been received about reductions in angling access in the area covered by the Tweed and Eye Protection Order. Those responses draw attention to areas where previously available access to freshwater fishing has been withdrawn.

Mr. Kirkwood: To ask the Secretary of State for Scotland if he will delay the publication of the formal notice of his intention to revoke the River Tweed/Eye protection order until he is able to consider further representations on the implications of the revocation. [41472]

Mr. Macdonald: No. It is the Government's intention to give formal notice of proposed revocation action in the Edinburgh Gazette shortly.

River Protection Orders

Mr. Kirkwood: To ask the Secretary of State for Scotland if he will assess the advantages of introducing protection orders which allow him to deal separately with sections of rivers within the protection order area without disturbing the protection in other parts of the river system. [41474]

Mr. Macdonald: Protection Orders are made in response to applications. When such an application is made, consideration is given as to whether it meets the terms of the Freshwater and Salmon Fisheries (Scotland) Act 1976. Before an Order is granted, the Secretary of State must be satisfied that the required standards will be met and maintained throughout the prescribed area.

DUCHY OF LANCASTER

Age Discrimination

Ms Perham: To ask the Chancellor of the Duchy of Lancaster, pursuant to his answer of 2 March 1998, *Official Report*, columns *420–22*, when he expects to issue guidance to departments and agencies to help them avoid unfair discrimination on the basis of age. [41363]

Dr. David Clark: My Department will be issuing the guidance referred to in my answer of 2 March 1998, *Official Report*, columns *420–21* in the summer.

WALES

NHS Survey

Mr. Barry Jones: To ask the Secretary of State for Wales when he proposes to initiate a national survey of patients' and users' experience of the NHS; and if he will make a statement. [40648]

Mr. Win Griffiths: A new national survey of patient and user experience is intended in Wales. Consultation on the conduct, content and use of the survey, including its timing, will be undertaken with the NHS and interested organisations.

New Deal (NHS)

Mr. Barry Jones: To ask the Secretary of State for Wales if he proposes to extend the New Deal into the NHS; and if he will make a statement. [40649]

Mr. Hain: The New Deal will provide employment opportunities in both the private and public sectors. The NHS is a major employer in Wales and can offer good quality jobs with training to young people.

The Employment Service has actively marketed the health sector and several Health Trusts have already indicated their commitment to the New Deal.

Teaching Hospitals

Mr. Barry Jones: To ask the Secretary of State for Wales what are the teaching hospitals in Wales; and if he will make a statement. [40650]

Mr. Win Griffiths: The University Hospital of Wales, Cardiff is the main teaching centre but teaching also takes place at most District General Hospitals in Wales—most notably at Morriston, Wrexham and the Royal Gwent Hospitals.

Spinal Injury Units

Mr. Wigley: To ask the Secretary of State for Wales how many spinal injury units there are in Wales. [40914]

Mr. Win Griffiths: The designated regional service for spinal injuries is based in the University Hospital of Wales Healthcare NHS Trust and comprises acute spinal trauma surgery at Cardiff Royal Infirmary with rehabilitation at the Spinal Injuries Unit, Rookwood Hospital. Some acute spinal surgery for trauma is carried out at other acute hospitals.

Further Education

Mr. Barry Jones: To ask the Secretary of State for Wales what new moneys he has released to colleges of further education in Wales; and if he will make a statement. [41495]

Mr. Hain: In recognition of the pressures on the further education sector in Wales, we increased the Further Education Funding Council for Wales's 1998–99 grant by £5.4 million in November 1997. In March this year, we made £1 million capital available to the sector in 1997–98 and £360,000 for FE developments associated with the New Deal. Furthermore, arising from the Budget on 17 March, we have made an additional £3.5 million available to the FEFCW to set up an 'Education for Industry Challenge Fund' to meet local adult skills needs and develop outreach provision. This amounts to a total of over £10 million of new money to the further education sector.

Rural Job Creation

Mr. Barry Jones: To ask the Secretary of State for Wales how he proposes to create more jobs in rural Wales. [41491]

Mr. Hain: The Government aim to create job opportunities in rural Wales by attracting new investors and ensuring that indigenous businesses have access to comprehensive and effective support services so that they can develop and prosper in a vibrant and healthy rural economy.

Many small rural businesses looking to expand, but unable to take the initial risk of recruiting additional employees, will benefit from the employer subsidy available under the New Deal for 18–24 year olds. This, working in tandem with the Sole Traders Initiative, will encourage the self-employed to create new jobs. Others will be created under the self-employment route of the New Deal for 18–24 year-olds where young people can receive the support and guidance needed to set up their own businesses. A revamped Business Connect also means that new and small businesses now have access to the one-stop assistance they need.

The Welsh Development Agency (WDA) has consistently met its targets for job creation beyond the eastern M4 and A55 corridors and will continue—wherever possible—to encourage and steer industry to the more rural parts of Wales. The rural unit of the new enlarged WDA being established later this year will also provide the interface for a wide range of rural interests helping to stimulate the introduction of new and innovative approaches to economic development and job creation.

School Sixth Forms

Mr. Touhig: To ask the Secretary of State for Wales what is the current teacher to student ratio in school sixth forms in Gwent; and what were the figures in *(a)* 1995, *(b)* 1996 and *(c)* 1997. [41484]

Mr. Hain: The information requested is not available centrally. Teacher to student ratios are not available for year groups and can be calculated only for entire schools.

Autistic Children

Mr. Ieuan Wyn Jones: To ask the Secretary of State for Wales what provision is made for the educational needs of autistic children in each local authority area in Wales. [40631]

Mr. Hain: Responsibility for identifying and making appropriate provision for children with special educational needs, including learning difficulties associated with autism, rests with LEAs and schools. Such children are educated in a variety of settings depending on each child's particular needs. These include mainstream schools, special schools and independent schools. Information on how individual LEAs organise provision for autistic children is not held centrally.

Public Appointments

Ms Julie Morgan: To ask the Secretary of State for Wales how many of his public appointments since 1 May 1997 have been in full accordance with the guidance from the Commissioner for Public Appointments; and if he will make a statement. [41761]

Mr. Ron Davies: I have sought to make all appointments since 1 May 1997 for which I have sole responsibility in full accordance with the guidance of the Commissioner for Public Appointments.

I am keen to ensure that all appointments to public bodies in Wales, whether made by me alone or made jointly with other Government Departments, obey the principles of fair and open competition and appointment on merit. Where appropriate, I have extended the application of those principles to those bodies currently outside the Commissioner's remit.

Welsh Assembly

Mr. Rhodri Morgan: To ask the Secretary of State for Wales what consultations he has had with CADW in relation to the maintenance cost of the Pierhead building; what conclusions he has drawn as to the amount of useable office and meeting space in the Pierhead building; and what use he proposes to make of that space for Welsh Assembly purposes. [41764]

Mr. Ron Davies: None. A condition survey of the Pierhead building has been completed. Having considered the layout of the building, I propose, subject to further consideration, to use it for offices for the more senior members of the Assembly, the Leaders of each Party, and a number of support staff.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales what costings he has obtained in relation to the deterioration of the foundations of the Pierhead building and the stability of the superstructure at the front end of the building; if the costs of shoring up the foundations are to be carried out by Grosvenor Waterside as a condition of the lease; and over what period of time the work will be carried out. [41768]

Mr. Ron Davies: A condition survey has been completed, and I am considering what essential work needs to be undertaken to Pierhead building. The terms of the lease will require that the building, on termination of the lease, will be in no worse a condition that upon commencement.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer to the hon. Member for Ribble Valley (Mr. Evans) of 5 May 1998, *Official Report*, column *299*, what is the estimated cost of adapting the computer mainframe room to become the temporary debating chamber of the National Assembly. [41772]

Mr. Ron Davies: I have not yet decided which part of Crickhowell House should be used for the temporary debating chamber.

Mr. Llew Smith: To ask the Secretary of State for Wales what assessment he has made of the legal obstacles to a system of twinning of constituencies for election to the Welsh Assembly; and what discussions he has had on this matter with the Lord Chancellor. [41755]

Mr. Ron Davies: The Government's view is that the procedure a party adopts for selecting candidates for the National Assembly for Wales is a matter for the party itself. The parties will have to have regard to the framework provided by domestic and European employment law in respect of equality of opportunity for all. The Government's view on this issue was set out by my hon. Friend the Minister for Home Affairs and Devolution in the House on 31 March 1998, *Official Report*, columns 1144–46.

Mr. Flynn: To ask the Secretary of State for Wales what estimates he has made of the costs of providing temporary accommodation for the Welsh Assembly at *(a)* City Hall and *(b)* Crickhowell House. [41891]

Mr. Ron Davies: The estimated cost of capital works to bring City Hall into suitable condition for use as the temporary home for the National Assembly for Wales is at least £3 million.

None of this expenditure would benefit the National Assembly once it moved to its permanent home. There would in addition be removal costs of an estimated £100,000.

The cost of fitting out Crickhowell House as a temporary home is expected to be between £750,000 and £1 million. Members will be in their permanent offices from day one, so there will be no nugatory expenditure on their accommodation. Much of the equipment and furnishings of the temporary chamber will be re-used as part of the permanent arrangements, and the chamber itself will be available for other uses the Assembly decides.

Mr. Flynn: To ask the Secretary of State for Wales when he will announce the members of the assessment panel for the design competition for the new National Assembly for Wales building. [41890]

Mr. Ron Davies: Lord Callaghan will chair the Assessment Panel which will have as lay members Elinor Bennet, Angela Gidden, Mike Reilly and Professor Robin Williams together with two eminent architects nominated by RIBA.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales what proposals he has to permit the successful architect in the RIBA competition for the design of the Welsh Assembly debating chamber to co-ordinate the design with that of the office building on the adjoining part of the Pierhead site. [41766]

Mr. Ron Davies: It is not for me to decide who will design the office building for Grosvenor Waterside but they have indicated a willingness to consider using the same architect as the one who designs the Assembly building, should that be appropriate.

Crickhowell House

Mr. Rhodri Morgan: To ask the Secretary of State for Wales (1) what is the total area of Crickhowell House occupied by *(a)* the Prescription Pricing Unit, *(b)* Information Technology and Health Solutions Wales Group and *(c)* Contracts and Supplies; and what is the rent paid per square foot where it differs from the rent level for Crickhowell House as a whole; [41769]

(2) pursuant to his answer of 6 May 1998, *Official Report*, column *416*, what rent he has agreed for Crickhowell House for the next five years as a percentage of the rent currently paid by the market-tested sections of WHCSA occupying areas of Crickhowell House; and what are the two levels of rent expressed in pounds per square foot per annum. [41770]

Mr. Ron Davies: The rent for Crickhowell House for the next 5 years shows no increase on the current level, ie £16 per square feet (£172.22 per sq.m). The other

matters raised are the responsibility of the Welsh Health Common Services Authority and I have asked the Chief Executive to write to my Friend.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 6 May 1998, *Official Report*, column *416*, what flexibility is built into the leases he is proposing to take on Crickhowell House on behalf of the National Assembly as regards *(a)* break clauses, *(b)* privity of contract, *(c)* repairs and insurance and *(d)* permission to sub-let or assign. [41771]

Mr. Ron Davies: There are no break clauses in the leases on Crickhowell House. In common with Government office accommodation, it is intended that leases will be held in the name of the Secretary of State for the Environment, Transport and the Regions, with all ownership responsibilities vested in me. The leases contain full repairing obligations and I have dispensation to self insure. The existing provisions to sub-let or assign the lease remain constant.

Welsh Health Common Services Authority

Mr. Rhodri Morgan: To ask the Secretary of State for Wales what proposals he has for relocating the Legal Services Unit of Welsh Health Common Services Authority; and what amendments he proposes for its chain of command. [41763]

Mr. Ron Davies: Discussions are under way between the Authority and Glan Clwyd NHS Trust about the transfer of Welsh Health Legal Services to the Trust. The management structure is a matter for the Authority and the Trust to consider as part of the transfer arrangements.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales what consultations he has had with the office staff of the Welsh Health Common Services Authority concerning *(a)* transfer arrangements to (i) the National Assembly and (ii) trusts and health authorities, and *(b)* where those staff currently working at Crickhowell House will work in future. [41765]

Mr. Ron Davies: None. My Department involved staff representatives when options for the location of business units were being considered but consultations with staff about transfer arrangements are a matter for the Authority as employer. No decision has been taken about accommodation for staff currently working in Crickhowell House.

Museums

Mr. Rhodri Morgan: To ask the Secretary of State for Wales what consultations he has had with the President of the National Museums and Galleries of Wales in relation to the closure of the Welsh Industrial and Maritime Museum. [41767]

Mr. Ron Davies: My officials have held frequent discussions with the Museum's Director and his senior staff and I have been kept fully informed of the circumstances surrounding the closure of the Welsh Industrial and Maritime Museum.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales what consultations he has had with the President of the National Museums and Galleries of Wales concerning the provision of a suitable place for exhibiting the mediaeval ship recovered from Magor Pill. [41762]

Mr. Ron Davies: Decisions regarding the display of the remains of the Magor Pill boat are a matter for the professional staff of the National Museums and Galleries of Wales.

Incomes

Mr. Alan W. Williams: To ask the Secretary of State for Wales if he will list the income per capita for each of the unitary authorities in Wales *(a)* in cash terms, *(b)* as a percentage of the United Kingdom average and *(c)* as a percentage of the European Community average in the last year for which figures are available. [40089]

Mr. Hain: The available information, provided by the Office for National Statistics, is given in the following table, in respect of the former counties of Wales. A single figure is given for the counties of Dyfed and Powys, because separate estimates cannot reliably be made.

Unitary Authority estimates and European Community comparisons are not currently available.

Household income, 1994

	£ per head	*Percentage of UK*
Clwyd	8,751	90.2
Dyfed & Powys	8,391	86.5
Gwent	8,414	86.7
Gwynedd	8,983	92.6
Mid Glamorgan	7,781	80.2
South Glamorgan	9,509	98.0
West Glamorgan	8,460	7.2
Wales	8,549	88.1

Source:
Office for National Statistics

HEALTH

Commission for Health Improvement

Mr. Maples: To ask the Secretary of State for Health if he will make a statement regarding the powers of the proposed Commission for Health Improvement to intervene in the running of NHS trusts and the proposed primary care groups. [29049]

Mr. Milburn: We will consult on the role and responsibilities of the Commission for Health Improvement before bringing forward legislation.

Haemophiliacs (Hepatitis C)

Mr. Nicholls: To ask the Secretary of State for Health how many people with haemophilia in the United Kingdom are currently infected with hepatitis C as a result of their treatment in the NHS with contaminated blood products. [33612]

Mr. Boateng: The Department estimates that around 4,000 people with haemophilia were infected with hepatitis C through blood products prior to the introduction of viral inactivation processes in 1985.

The latest figure quoted by the Haemophilia Society shows that they now assess the total number of haemophiliacs infected with hepatitis C at 4,800.

NHS Trusts (Mergers)

Mr. Flight: To ask the Secretary of State for Health what is his policy with regard to merging the functions of NHS trusts; how many trusts will be involved; and if he will make a statement. [39286]

Mr. Milburn: Any proposal to merge National Health Service trusts will be considered on its own merits. Most importantly, mergers must lead to benefits for patients in improved health care and lead to savings in management costs.

Proposals for merging NHS trusts are initiated locally. There is no central programme of NHS trust mergers.

Devonshire Royal Hospital

Mr. Levitt: To ask the Secretary of State for Health who will have the responsibility for the upkeep of the Devonshire Royal Hospital building in Buxton when it is no longer required as a hospital by Stockport Health Authority. [38971]

Mr. Milburn: Responsibility will remain with my right hon. Friend the Secretary of State for Health until such time as the building is disposed of to a third party. Every effort will be made to find a new owner before health services are withdrawn and the building is decommissioned for healthcare purposes, which is expected to be in 2000.

GP Research Database

Mr. Tredinnick: To ask the Secretary of State for Health (1) if he will make a statement on the role of the General Practitioners Research Database in formulating policy in respect of *(a)* reducing waiting lists and *(b)* applying resources to where they are most needed; [41221]

(2) what steps he has taken to use the data contained on the General Practitioners Research Database to ensure that the use of NHS funds is based on scientifically recorded data; [41219]

(3) what programmes are in operation to categorise the information on drugs, treatment and medical procedures which is recorded on the General Practitioners Research Database to provide doctors and patients with information that is not currently available elsewhere; [41220]

(4) what plans he has to analyse the recorded data on the General Practitioners Research Database concerning the long-term results of treatments, drugs and medical procedures in order to inform doctors of the ongoing results of these treatments. [41218]

Mr. Milburn: The General Practice Research Database (GPRD) is owned by the Department and is a powerful research and analytical tool. It is one of a number of data sources available to the Department, each of which has its strengths and limitations for specific purposes. For example, because of its general practice focus, the GPRD is well suited for many drug safety and pharmaco-epidemiological studies. However, because it is based on a sample of general practices, it is less valuable for making comparisons between health authorities. This would limit its use in resource allocation or in understanding waiting list issues at local level. The GPRD's lack of socio-economic data is also a factor in the way it can be used.

Data from the GPRD are published in *Key Health Statistics from General Practice*[1], and extracts have also been used in the Chief Medical Officer's Annual Report. The Department has used data from the GPRD on a number of occasions. The Medicines Control Agency, which is responsible for medicines regulation, uses data from the GPRD to investigate and evaluate drug safety issues.

Overall, the number of applications to use the GPRD for research studies has increased in the past year and we are keen that this trend should continue.

[1] published through The Stationery Office by the Office for National Statistics in 1996

Extra-contractual Referrals

Mr. Maples: To ask the Secretary of State for Health if he will list all National Health trusts which received more than 15 per cent of their income from extra-contractual referrals in 1996–97, indicating the total amount of revenue from ECRs for each trust and the percentage this represents of total revenues. [41538]

Mr. Milburn: In 1996–97, the following National Health Service trusts received more than 15 per cent. of their income from extra-contractual referrals (ECRs):

	ECR income £000	*ECR as per cent. of total income*
The Royal National Hospital for Rheumatic Diseases NHS Trust	2,561	33.19
Royal National Orthopaedic Hospital NHS Trust	11,793	32.04
Royal London Homoeopathic Hospital NHS Trust	1,044	31.72
The Queen Victoria Hospital NHS Trust	4,895	26.82
Robert Jones & Agnes Hunt Orthopaedic & District Hospital NHS Trust	4,446	19.80

Oncologists

Mr. Maples: To ask the Secretary of State for Health what guidelines his Department issues on the maximum number of new patients annually a clinical oncologist should take on. [41546]

Mr. Milburn: None. It is for local health service employers to estimate the level of staff required in the light of professional guidance and local population needs and priorities.

Sodium Bicarbonate

Mrs. Ellman: To ask the Secretary of State for Health if he will investigate the increase in prices between March and May of sodium bicarbonate supplied to the NHS; and if he will make a statement. [41024]

Mr. Milburn: We understand there is a single supplier of sodium bicarbonate capsules 500 milligrammes in the United Kingdom. The company concerned increased its

list price from £2.05 to £30.56 for 100 capsules between March and April 1998. Officials have written to the company seeking a justification.

Fluoridation

Mr. Gordon Prentice: To ask the Secretary of State for Health if he will list the sources, in each case, of the fluoride used to fluoridate water supplies in England. [41004]

Ms Jowell: About half a million people in this country receive water which is naturally fluoridated at or about the optimum level of one part per million. A further one million people receive water which is naturally fluoridated at a lower level, but which still confers some dental benefit. Some 5 million people receive water where the fluoride content has been artificially increased to a level of one part per million. Information on the sources from which water companies obtain fluoride is commercially confidential and is not routinely collected by government.

Laser Surgery

Mr. Gordon Prentice: To ask the Secretary of State for Health what steps he is taking to review the safety and appropriateness of laser surgery to correct short sight. [41586]

Mr. Milburn: The Department is consulting the Royal College of Ophthalmologists about this procedure, which is not available under the National Health Service but carried out in private clinics. The College has undertaken to provide information on complications and clinical standards. This will inform a judgment about the adequacy of the regulatory provisions currently available.

Hospital Waiting Times

Mr. Maples: To ask the Secretary of State for Health, pursuant to his answer to the hon. Member for Runnymede and Weybridge (Mr. Hammond), on 5 May 1998, *Official Report*, columns *347–48*, concerning hospital waiting times, for how many trusts figures were supplied, what assessment he has made of the reliability and accuracy of the data he published on 1 April and if he will provide a breakdown of the ways in which the patients who had been on the waiting list for more than 18 months prior to 1 April were removed from the waiting list. [41720]

Mr. Milburn: As I made clear in my reply to the hon. Member for Runnymede and Weybridge (Mr. Hammond) of 5 May 1998, *Official Report*, columns *347–48*, my right hon. Friend the Secretary of State based his announcement about the number of patients waiting longer than 18 months on 31 March on management intelligence. This was obtained by regional offices of the National Health Service Executive as a special exercise as part of their performance management function. Provisional waiting list/time information for 31 March 1998, based on the well-established series of quarterly returns from health authorities and trusts, will be published in week commencing 18 May 1998. Information on removals from waiting lists collected centrally does not differentiate between the various reasons for removal, nor does it show how long patients had been waiting at the time of removal.

Closures and Service Reduction

Mr. Maples: To ask the Secretary of State for Health (1) if he will list those hospitals whose accident and emergency departments have been *(a)* closed and *(b)* downgraded to Minor Injuries Clinics since 1 May 1997 which are subject to consultation which might lead to such closure or downgrading; [41757]

(2) if he will list the hospitals and health units which have been closed since 1 May 1997 or which are subject to consultation which might lead to closure; [41756]

(3) if he will list those hospitals or health units which have been subject to a major reduction in services provided on site. [41758]

Mr. Milburn: In line with the practice of previous Administrations, this information is not collected centrally.

Primary Care Groups

Mr. Paice: To ask the Secretary of State for Health which authority will make the final decisions regarding the boundaries of primary care groups, with particular reference to where centres of population are on the borders of a health authority area; and if it will be possible for a primary care group to cross health authority borders. [41602]

Mr. Milburn: Guidance issued at Easter (HSC 1998/065) made clear that Primary Care Groups will be based on natural geographical communities of people, typically covering around 100,000 population, and taking account of social services organisational structures. Health authorities are charged with responsibility for establishing the Primary Care Groups and will be required to notify the National Health Service Executive of their local configuration by July 1998.

Disabled Persons

Mr. Viggers: To ask the Secretary of State for Health if he will make a statement on the future financial support from his Department for disabled persons and disability groups through the Access Committee for England. [40557]

Mr. Boateng: It is open to the Access Committee for England (ACE) to apply for funding for projects under the general section 64 grant scheme administered by the Department for the financial year 1999–2000 onwards. Each project application will be considered carefully in the light of its likely furtherance of the Department's objectives, other applications received and the amount of money available. The decision was taken in March this year, following an inter-departmental review, not to renew core funding for ACE from the current financial year (1998–99). This was in line with our policy of time-limiting core grants of which all voluntary organisations receiving support from the Department under section 64 have been made aware. It is, therefore, unlikely that any future application for core funding from ACE would be successful.

Eastbourne District General Hospital

Mr. Waterson: To ask the Secretary of State for Health how many patients received treatment at Eastbourne District General Hospital in each of the last five years. [41475]

Mr. Milburn: Information on numbers and patients treated is not collected centrally. In-patient activity is recorded in terms of finished consultant episodes (FCEs), and outpatient activity is recorded in terms of consultant outpatient attendances.

The information provided in the table is for Eastbourne Hospitals National Health Service Trust. The trust consists of Eastbourne District General Hospital and All Saints Hospital. A breakdown of the information between the hospitals is not available centrally, but may be available from the Chief Executive of the trust.

Data are taken from the publications, "Ordinary and day case admissions for England" and "Outpatients and ward attenders for England", 1996–97, copies of which are available in the Library.

Table: Finished consultant episodes and first consultant outpatient attendances for Eastbourne Hospitals NHS Trust, 1992–93 to 1996–97

	Finished consultant episodes		
Year	*Ordinary admissions*	*Day case admissions*	*First consultant outpatient attendances*
1992–93	30,163	5,040	134,861
1993–94	31,434	6,554	135,800
1994–95	31,707	7,140	136,074
1995–96	34,866	8,226	134,971
1996–97	32,273	10,026	138,864

Source:
Finished consultant episode data—Department of Health form KP70.
Consultant outpatient data—Department of Health form KH09

Mr. Waterson: To ask the Secretary of State for Health how many patients *(a)* are currently awaiting admission and *(b)* were awaiting admission on 1 May 1997 to Eastbourne District General Hospital. [41468]

Mr. Milburn: Waiting list information collected centrally shows the number of patients waiting at the end of each quarter and how long they had been waiting broken down by 3 month timebands. Information for 1 May 1997 is not therefore available. On 31 March 1997, there were 4,806 patients awaiting admission to Eastbourne Hospitals National Health Service Trust on either an ordinary or day case basis. The latest information currently available is for 31 December 1997 and this shows 5,079 patients awaiting admission.

SOCIAL SECURITY

Policy Reviews

Mr. Burns: To ask the Secretary of State for Social Security how many policy reviews are currently being carried out within her Department; what is the cost to date of those reviews; and when each review is expected to report. [40901]

Mr. Denham: We are reviewing the major components of the Social Security system. On 26 March, we published a Green Paper, New Ambitions for our Country: A New Contract For Welfare, which sets out the Government's principles for welfare reform, indicates the issues to be tackled and identifies a series of proposed success measures by which we can monitor progress. We are currently seeking views on its contents. The consultation period ends on 31 July.

In accordance with our manifesto commitment, we have also instigated a review of pensions and we will be publishing a Green Paper on Pensions later this year. Further announcements on other areas will be made in due course.

The costs of this activity are being met from within existing Departmental running costs.

Lone Parents

Mr. Burns: To ask the Secretary of State for Social Security, pursuant to her answer of 7 April 1998, *Official Report*, column *224*, on lone parents, if she will update that answer to cover the period 21 July 1997 to 31 March 1998. [40900]

Mr. Keith Bradley: Information on the operation of the New Deal for Lone Parents is available up to and including 31 March 1998.

As at 31 March 1998:

24,795 lone parents have been contacted, or have made contact with their personal advisers

6,085 initial interviews have been arranged, and 5,178 lone parents have attended interviews

4,637 lone parents have agreed to participate in the programme following initial interviews

1,530 lone parents have found jobs following agreement to participate in the programme.A full independent evaluation of the New Deal for Lone Parents is being undertaken, to report in Autumn 1999. This will assess the overall effectiveness of the programme in helping lone parents move into employment.

Mr. Burns: To ask the Secretary of State for Social Security, pursuant to her answer of 21 April 1998, *Official Report*, columns *604–05*, on lone parents, how many lone parents who gained employment between 1 March and 31 March are now in receipt of income support and have no earnings. [40952]

Mr. Keith Bradley: The number of lone parents who gained employment between 1 and 31 March 1998 was 280, and, of these, 25 are now in receipt of Income Support and have no earnings.

It is not possible to draw conclusions about exit rates from employment of lone parents on the New Deal for Lone Parents as the data from the New Deal for Lone Parents are insufficient to calculate exit rates. The evaluation of the New Deal for Lone Parents will identify any factors which have affected the programme's success and will calculate exit rates from employment of lone parents on the New Deal for Lone Parents. The full evaluation will report in Autumn 1999.

EU Ministers for Women

Mr. Kirkwood: To ask the Secretary of State for Social Security if she will make a statement on the conference of EU Ministers for Women on Childcare in Belfast on 5 and 6 May; if she will place in the Library a list of those who attended and copies of those speeches made in English; and what plans she has to publish a transcript of the conference including translations of speeches made in other languages. [40463]

Ms Harman: The theme of the UK Presidency is employability. We have been clear from the outset that this means the employability of women as well as men. That is why we called the meeting of EU Ministers for Women which we held in Belfast on 5–6 May.

The meeting focused in particular on the importance of childcare and family friendly employment policies, and provided a valuable opportunity to share best practice with our EU partners. The meeting reached a consensus on the following key points.

Affordable, accessible, and high quality childcare, parental and other leave schemes, and family friendly working policies are essential for women and men to combine work and family responsibilities.

Equality between women and men must be mainstreamed in all employment policies, both at national and EU level, so that measures to improve employability and support the unemployed take the rights and needs of women and men fully into account.

Meetings of Ministers for Women and for Equality provide useful opportunities for the exchange of ideas and best practice and developing strategies. They intend to meet at least once a year in future.

Member states expressed their commitment to drive forward these initiatives and will use proposed future meetings to do so.

The full text of the Belfast Communiqué will be placed in the Library, together with a list of those attending the conference. In keeping with normal practice for informal proceedings at such conferences, transcripts of speeches will not be published, although the programme and the speech to the open session by Secretary of State will be placed in the Library.

Child Support

Mr. Chope: To ask the Secretary of State for Social Security how many applications to the Child Support Agency for maintenance assessment have been outstanding for more than *(a)* six months, *(b)* 12 months and *(c)* 18 months; and if he will make a statement. [41352]

Mr. Keith Bradley: One of our key aims for the Child Support Agency is to ensure that more absent parents pay the maintenance they owe. We are looking closely at all aspects of the child support scheme to see where improvements can be made and we aim to bring forward a consultation document on our proposals.

The administration of the Child Support Agency is a matter for the Chief Executive, Mrs. Faith Boardman. She will write to the hon. Member.

Letter from Faith Boardman to Mr. Christopher Chope, dated 11 May 1998:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about Child Support Agency maintenance assessments.

The child maintenance formula can require the Agency to enquire, look at and consider over 100 pieces of information before an assessment can be made and it is inevitable that some time will elapse between an application being made and the maintenance assessment being made.

From its launch in 1993, the Agency has taken on just under 2.4 million cases. In the last year, the Agency has started to clear the backlog of cases that had built up during the Agency's first two years, with the emphasis being on completing full maintenance assessments. The Agency's increased performance in this area is well illustrated by the number of full maintenance assessments completed; in 1997/98 up to 31 January 1998, 132,724 full maintenance assessments had been completed compared to 97,542 for the same period the previous year.

The Agency is very aware of the need to assess maintenance applications as quickly as possible, and in 1997/98 had a Secretary of State target covering this area which included a volume element for the first time. The target required a total of at least 525,000 maintenance applications to be cleared; 60% of new maintenance applications to be cleared within 26 weeks and on 31 March 1998 no more than 5% of all maintenance applications received by the Agency to be over 52 weeks old. The volume element of the target was exceeded by 13% with 595,000 clearances achieved, a significant increase on clearances of 357,000 in 1996/97. Both percentage targets were also met. 71% of new applications were cleared within 26 weeks, against an achievement of 54% in 1996/97. This represented a total of 278,180 applications cleared within 26 weeks, an increase of 52% over the previous year. At the end of 1997/98, less than 5% of all applications received since the Agency's inception were over 52 weeks old. This was a major improvement on last year, when the target to have no more than 10% of cases over a year old was missed. The 1998/99 Secretary of State target requires 65% of new applications to be cleared within 22 weeks and on 31 March 1999 there to be no applications outstanding over 52 weeks old.

The latest available information on outstanding maintenance applications (to 31 March 1998) is detailed below:

applications outstanding over six months and less than 12 months: 45,211

applications outstanding over twelve months and less than 18 months: 11,593

applications outstanding over eighteen months: 98,524

The number of applications outstanding over 6 months and less than 12 months in each Business Unit is approximately 6,500; in 1997/98 each Business Unit cleared on average around 85,000 applications. Any maintenance application which is over 52 weeks old is considered to form part of the Agency's backlog—the large majority of these applications are a legacy from the difficult first two years of the Agency. At the beginning of 1997/98 the number of backlog applications amounted to 224,714; this has more than halved to 110,117 at 31 March 1998.

The Agency has developed and is now implementing a strategy for meeting its undertaking to clear all its backlogs. All Business Units have put in place operational plans which will guide them towards the achievement of our stated objective of clearing all the backlogs by 31 March 1999.

We are constantly looking at how we can adapt and improve our procedures to speed up the time taken to clear maintenance applications. The timescales for clearances have shortened considerably over the last 2 years. The Agency is now building more pro-active use of the telephone into its assessment process; an increased use of the telephone to gather information, should have a positive impact on timescales.

I hope this is helpful.

Contributions Agency

Mr. Cousins: To ask the Secretary of State for Social Security what use is made of the Yield Analysis Statistical System in each Contributions Agency region and office. [41463]

Mr. Denham: The administration of National Insurance contribution records and related issues is a matter for George Bertram, the Chief Executive of the Contributions Agency. He will write to my hon. Friend shortly.

Letter from George Bertram to Mr. Jim Cousins, dated May 1998:

As Chief Executive of the Contributions Agency I have responsibility for answering questions about matters relating to the Contributions Agency. I have been asked to reply to your question about the Yield Analysis and Statistical System (YASS) and its use within the Agency's regions and regional offices.

The YASS is a personal computer based targeting system that has been rolled out for use by the Contributions Agency's Operations in the Field. Initially, one YASS personal computer was installed into each region, but subsequently nine of the twelve regions have installed additional YASS personal computers.

YASS is a targeting and modelling tool that was designed to assist CA Field Operations in identifying those employers who:

Need assistance in completing their end of year returns correctly; or

Those that are most likely to owe arrears of National Insurance Contributions

YASS uses data taken from the Agency's Employers Index System (ENDX) and information supplied from the inspections of employers National Insurance records.

FOREIGN AND COMMONWEALTH AFFAIRS

British Exporters

11. **Mr. Eric Clarke:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the progress made by his Department in improving its support for British exporters. [40501]

Mr. Fatchett: I refer my hon. Friend to the oral answer I gave earlier in the House today to my hon. Friend the Member for Alyn and Deeside (Mr. Jones).

Middle East Peace Process

17. **Mrs. Betty Williams:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the progress of the middle east peace process. [40508]

24. **Mr. Dismore:** To ask the Secretary of State for Foreign and Commonwealth Affairs what consultations he has had with Israel and surrounding Arab countries regarding peace in the middle east. [40515]

30. **Dr. Gibson:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the initiatives taken by his Department to assist the middle east peace process. [40522]

32. **Rev. Martin Smyth:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on progress in the middle east peace process, following the visit by the Prime Minister. [40524]

Mr. Fatchett: I refer my hon. Friends and the hon. Member to the answer given by my right hon. Friend the Foreign Secretary earlier in the House today to my hon. Friend the Member for Cardiff, North (Ms Morgan).

Iraq

21. **Mr. Clifton-Brown:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on human rights in Iraq. [40512]

Mr. Fatchett: Iraq's record on human rights is appalling, as our annual report on human rights made clear. The latest report from the UN Special Rapporteur Max Van-Der Stoel concluded that the situation had deteriorated still further since his last report to the Commission on Human Rights in Geneva. On 21 April the Commission adopted a tough resolution, drafted by the UK as EU Presidency, which strongly criticised the Iraqi regime.

South Africa

26. **Mr. Pike:** To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with other European Foreign Ministers on the EU-South Africa trade negotiations. [40517]

Mr. Fatchett: My right hon. Friend the Foreign Secretary's most recent discussions with European colleagues took place at the General Affairs Council in March. He noted the progress made in the previous negotiating round, and reiterated our wish to complete the negotiations soon. The Commission will report back to the Council in the light of its further negotiations with the South Africans, the next round of which is scheduled for late this month.

Falkland Islands

27. **Mr. Luff:** To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to discuss the sovereignty of the Falkland Islands with representatives of the Argentine Government. [40518]

Mr. Tony Lloyd: We have no plans to discuss the transfer or sharing of the sovereignty of the Falkland Islands with the Argentine Government. We do not regard the sovereignty of the Islands as negotiable.

Hong Kong

28. **Ms Abbott:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the progress towards democracy in Hong Kong. [40519]

Mr. Fatchett: We strongly support the goal of a legislature elected by universal suffrage, as provided for by the Basic Law, and welcome the HKSAR Government's commitment to this goal. We hope that this will be achieved according to a timetable reflecting the wishes of the people of Hong Kong.

The fact that elections will be held on 24 May to replace the unelected provisional legislature is a welcome step towards more representative government, although we have concerns about some of the detailed arrangements, particularly in the functional constituencies.

EU (Enlargement)

29. **Mr. Rammell:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on progress in achieving agreement within the European Union on the enlargement process. [40521]

Mr. Fatchett: In the first four months of our Presidency of the EU, we have taken forward the remit agreed at the Luxembourg European Conference in

London on 12 March; we launched the Accession Process in Brussels on 30 March; and we opened Accession Negotiations the next day with six of the applicants.

Kosovo

31. **Mr. Flynn:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about recent contact group meetings on Kosovo. [40523]

Mr. Robin Cook: The Contact Group has met regularly since January to discuss Kosovo. It has condemned the continuing violence in that province and underlined the need for a meaningful dialogue between the parties if the spiral of violence is to be reversed. We will continue to play a leading role on this issue within the Group, including on the need for further measures against Belgrade if President Milosevic continues to turn his back on dialogue.

European Integration

33. **Mr. Loughton:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his Department's proposals for further European integration. [40525]

Mr. Fatchett: We support closer integration with our European partners where it is in the United Kingdom's interest. This Department has made no specific proposals for further integration.

Sudan

34. **Mr. Savidge:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the crisis in the Sudan. [40527]

Mr. Fatchett: The Civil war in Sudan has displaced large segments of the population in the South, creating a serious humanitarian problem. Bahr El Ghazal is the area where the current crisis is most acute. We are deeply concerned at this unfolding human tragedy and we have been active in trying to find solutions. We and our EU partners are of the view that a political settlement is essential to bring to an end the suffering of the Sudanese people. As Presidency, we issued an EU Declaration on 1 May which voiced European concerns and called for an immediate cease-fire. At UK instigation, Sudan was discussed at the UN Security Council on 5 May and a press statement was made by the President expressing the UN's concerns. We have lobbied countries in the region to bring pressure to bear on all parties in the civil war to reach a comprehensive negotiated settlement at the Intergovernmental Authority on Development (IGAD) peace talks held in Nairobi on 2 to 5 May.

Environmental Protection

Ms Shipley: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his Department's progress in securing protection of the international environment. [40507]

Mr. Fatchett: We have raised the profile of international environment issues in foreign policy discussions. As a result, environment will have been a theme at each of the major conferences hosted by the UK from October 1997 to June 1998. Environment is one of the themes of the UK Presidency of the EU. We are working in international forums with colleagues from other Departments to achieve better protection of the international environment, notably in the area of climate change and protection of the world's oceans.

Human Rights Annual Report

Mr. Sarwar: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his Department's first annual human rights report. [40513]

Mr. Tony Lloyd: My right hon. Friend the Foreign Secretary undertook last July to publish an Annual Report on the Government's activities to promote human rights.

He published the first such Report jointly with the Secretary of State for International Development on 21 April. The Report illustrates activities in respect of human rights in a range of activities undertaken by the government in some 70 countries; as well as summarising our activities in the UN and other international organisations.

Indonesia

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 24 July 1997, *Official Report*, column *708*, if he will make a statement on the use of Hawk aircraft in East Timor since 1983. [41447]

Mr. Fatchett: We have studied all the information available about allegations of Hawk being used in East Timor. We are confident that UK supplied Hawk aircraft have not been used in East Timor or, indeed, in a counter-insurgency role in Indonesia.

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make it his policy to ensure the British and French proposals for a code of conduct governing arms transfers will give priority to the protection of human rights in Indonesia over the maintenance of a strong defence industry. [41550]

Mr. Fatchett: Discussions with EU partners on the text of the Code of Conduct are continuing. Our policy is that the Code should apply to all arms exports to all destinations, and should specify that Member States will refuse an export licence if there is a clear risk that the proposed export might be used for internal repression.

Arms Export Licences

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs which countries are currently refused arms export licences as a consequence of the ethical foreign policy. [41569]

Mr. Tony Lloyd: All applications to export goods entered in Part III of Schedule 1 to the Export of Goods (Control) Order 1994 are assessed against the criteria announced by my right hon. Friend the Foreign Secretary on 28 July 1997, *Official Report*, columns *26–29*. The criteria do not specify automatic refusal of licence applications for exports to any country or countries. But they do state that a licence should be refused if approval would be inconsistent with the UK's international obligations and commitments to enforce UN, OSCE and

EU embargoes together with any national embargoes. I listed all arms embargoes implemented by the UK in my answer to my hon. Friend the Member for Rugby and Kenilworth (Mr. Flynn) of 28 January 1998, *Official Report*, columns *273–74*.

Lord Whitty

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs what is Lord Whitty's salary in his capacity as Minister with Special Responsibility for the EU Presidency. [41383]

Mr. Doug Henderson: As a Government Whip, my noble Friend Lord Whitty receives the salary of a Lord in Waiting. He receives no further salary for performing other official duties on behalf of the FCO or other Departments.

Pakistan

Mr. Touhig: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make representations to the Pakistan Government expressing concern about the death sentence passed on Ayub Masih for blasphemy. [41385]

Mr. Fatchett: I refer my hon. Friend to the answer I gave to the hon. Member for Bournemouth, East (Mr. Atkinson) on 7 May 1998, *Official Report*, column *483*.

Mr. Touhig: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will monitor the case of Pakistani Christian, Ayub Masih, who was sentenced to death on 27 April at Punjab District Court for blasphemy. [41384]

Mr. Fatchett: Our High Commission in Islamabad is monitoring Ayub Masih's case closely. His lawyers have lodged an appeal in the Punjab High Court against his sentence. I was shocked to hear of the suicide of Bishop John Joseph on 6 May, apparently in protest at Ayub Masih's sentence. Our High Commission has sent condolences to his family and community.

Strategic Arms Exports

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs on what date he plans to publish his annual report on strategic arms exports. [41729]

Mr. Tony Lloyd: We hope to publish the annual report on strategic arms exports during the current session.

Seconded Staff

Mr. Chidgey: To ask the Secretary of State for Foreign and Commonwealth Affairs what is his policy towards the secondment of individuals from private companies to his Department. [41068]

Mr. Fatchett: This Department has had a long-standing programme of interchange with business. We aim to build on this. Last July, we announced a new programme of short-term business attachments to our missions overseas of business people to work on specific projects. The 14 recruited so far have added their expertise to our commercial effort. We also open some longer-term positions within this Department, at home and overseas, to business people. In addition, we second FCO staff to companies so that they can gain first-hand business experience.

Mr. Chidgey: To ask the Secretary of State for Foreign and Commonwealth Affairs what role individuals on secondment from private companies to his Department have in advising Ministers; and what access such individuals have to Ministers on issues concerning their company. [41072]

Mr. Fatchett: Secondees contribute towards the work of departments and posts and are managed by civil servants. To avoid conflict of interest, individuals do not have access to Ministers on issues directly concerning their company. Steps are put in place to ensure no conflict of interest.

Mr. Chidgey: To ask the Secretary of State for Foreign and Commonwealth Affairs how many individuals are currently on secondment from private companies to his Department; and if he will list them, indicating their responsibilities. [41073]

Mr. Fatchett: We currently have 21 staff seconded from private companies, including 10 secondees under the Business Attachment Scheme. Details are shown.

Name	*Company*	*Post/department*	*Job*
A. Heffernan	CBTG	Peking	Commercial Secretary
Mr. Hallington	BNF	Tokyo	First Secretary Financial
A. Vaudrey	CAA	Washington	Counsellor Atomic Energy
G. Bentley	Standard Chartered Bank	South East Asia Department	Desk Officer, ASEM
T. Witton	BP	Middle East Department	Desk Officer, Yemen, UAE
J. Paxman	BP	Washington	Environment Secretary
M. Davies	Barclays	Sydney	Inward Investment Officer
S. Wayne	Barclays	Los Angles	Inward Investment Officer
J. Miller	Lovell White Durant	San Francisco	Inward Investment Officer
J. Butler	BT	New York	Inward Investment Officer
M. Mullins	NatWest	New York	Inward Investment Officer
M. Economou	Coopers & Lybrand	Chicago	Inward Investment Officer
Short-Term Business Attachment Scheme			
D. Watson	AMEC	Johannesburg	Commercial Adviser
G. Doyle	Levitt Bernstein	Paris	Commercial Adviser
M. Stephenson	Midland Bank	Kuala Lumpur	Commercial Adviser
E. Bailey	Rolls Royce	Brasilia/Sao Paulo	Commercial Adviser
D. Scammell	Quantel	Los Angeles	Commercial Adviser
M. Groundsell	Halcrow	Lisbon	Commercial Adviser

Name	Company	Post/department	Job
L. Clarke	NatWest	Kuala Lumpur	Commercial Adviser
R. Pitfield	Taylor Woodrow	New York	Commercial Adviser
R. Soderstrom	Coopers & Lybrand	Bangkok	Commercial Adviser
D. Healey	ADH Inc. Export Consultants	Istanbul	Commercial Adviser

European Court of Justice

Mr. Mitchell: To ask the Secretary of State for Foreign and Commonwealth Affairs which body has final jurisdiction in respect of the interpretation of framework decisions taken under the proposed Article K.6(2)(b) and (c) of the Treaty of Amsterdam where Her Majesty's Government under Article K.7 does not accept a preliminary ruling of the European Court of Justice. [41507]

Mr. Doug Henderson *[holding answer 11 May 1998]:* Article K.7(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, confers jurisdiction on the European Court of Justice to give preliminary rulings on the interpretation of framework decisions and decisions adopted by the Council pursuant to Article K.6(2)(b) and (c). By virtue of Article K.7(2) a Member State may choose whether or not to accept that jurisdiction. Since the Government do not intend to accept that jurisdiction, if a framework decision or decision adopted pursuant to Article K.6(2)(b) or (c) fell to be interpreted by the British courts, the House of Lords would ultimately be the Court of final jurisdiction as far as the United Kingdom was concerned.

TRADE AND INDUSTRY

North American Free Trade Agreement

Mr. Paterson: To ask the President of the Board of Trade if she will make a statement on the recent proposals to bring Britain and the European Union closer to NAFTA. [40503]

Mrs. Beckett: There are many ties of trade, culture and history between the UK and North America, and we are also a committed member of the European Union. In trade matters we act primarily as part of the EU. During its Presidency of the EU Council of Ministers, the UK has sought to develop our multilateral trading relations and our relations with North America so that these relations are closer and mutually supportive.

Employment Protection

Mr. Bennett: To ask the President of the Board of Trade how much has been paid to employees of insolvent employers through the provisions of sections 63 to 65 of the Employment Protection Act 1975 and successive acts incorporating those provisions in each year since 1976. [41360]

Mr. Ian McCartney: The information is not available as such payments are part of general payments which may be made to employees of insolvent employers and are not separately identified.

Vehicle Licensing

Mrs. Ray Michie: To ask the President of the Board of Trade what criteria are used to decide whether a post office in rural Scotland provides a vehicle licensing service. [41046]

Mr. Ian McCartney: The Driver and Vehicle Licensing Agency determine the total number of post office outlets from which the motor vehicle licensing service operates. Post Office Counters Ltd then determine the most suitable post office locations for the service taking account of various criteria, including local car parking facilities, space within the office to cope with demand for service at peak times, level of customer demand and proximity to alternative offices to achieve a suitable geographical spread.

Mrs. Ray Michie: To ask the President of the Board of Trade what percentage of post offices in Scotland have been able to offer vehicle licensing facilities for each year since 1987. [41043]

Mr. Ian McCartney: The Post Office tell me that the percentages of post offices in Scotland offering vehicle licensing facilities for each year since 1987 for which the information is available are as follows:

Year	Percentage
1992	22.2
1993	22.4
1994	22.o
1995	22.8
1996	23.0
1997	23.2
1998	23.5

Mrs. Ray Michie: To ask the President of the Board of Trade what percentage of post offices in England have been able to offer vehicle licensing facilities for each year since 1987. [41044]

Mr. Ian McCartney: The Post Office tell me that the percentages of post offices in England offering vehicle licensing facilities for each year since 1987 for which the information is available are as follows:

Year	Percentage
1992	20.1
1993	20.3
1994	20.5
1995	20.7
1996	20.9
1997	21.1
1998	21.3

Public Bodies

Mr. Öpik: To ask the President of the Board of Trade how many and what proportion of her Department's appointees to non-departmental public bodies are (i) aged under 25, (ii) aged 25 to 30 and (iii) aged 31 to 35 years. [40741]

Mrs. Beckett: As far as I am aware, none of my Department's public appointments is held by people aged under 25, three are held by those aged 25–30 and 51 by those aged 31–35. This represents approximately 0.1 per cent. and 1.7 per cent. respectively of the overall number of appointments. These figures exclude a few appointments to advisory bodies (approximately 2 per cent. of the total) for which details are not available.

The Government are committed to encouraging a wide range of candidates to apply for positions on the boards of public bodies, reflecting the diverse society in which we live. This includes encouraging more young people to put themselves forward as potential candidates for public appointments. All appointments are made on merit, and candidates must demonstrate that they have the necessary skills and experience to match the needs of the public body on which they wish to serve.

Import Quotas

Mr. Alan Simpson: To ask the President of the Board of Trade which import quotas have been exceeded, and by how much, in each of the last five years; and what *(a)* penalties and *(b)* sanctions the United Kingdom has imposed. [40626]

Mrs. Roche: Since 1994, all quantitative restrictions on imports have been established at the level of the European Union.

I am aware of one case where the European Commission established that products subject to quota were imported into the European Union under false declarations of origin, and where an equivalent reduction was made to that country's quota for a later year.

I am not aware from the information that is readily available, and after taking account of the flexibilities provided for under the various regimes, of other instances in the past five years of imports of products subject to quota exceeding permitted levels.

Radioactive Waste

Mr. Llew Smith: To ask the President of the Board of Trade if the tests listed by the Radioactive Waste Management Advisory Committee to evaluate the suitability of nuclear materials for import, in its publication on the import and export of radioactive materials, were applied to the consignment of enriched uranium due to be sent from Georgia to Dounreay. [40672]

Mr. Battle: The tests listed by the Radioactive Waste Management Advisory Committee (RWMAC) were applied to the consignment of enriched uranium recently sent from Georgia to Dounreay. For the majority of the material which is unirradiated, Tests 4 and 5 are relevant, in that useful material with a positive economic value to the UK can be recovered from it. Based on these tests alone, there would be an expectation that wastes produced would be returned to the country of origin. This is also true of the wastes arising from the reprocessing of the small quantity of spent reactor fuel.

However, Tests 9 and 12 are overriding for the whole consignment in that the quantity of radioactive waste arising would be too small for the recovery processes to be practicable in the country of origin. Furthermore, Georgia could not reasonably be expected to develop suitable disposal facilities of its own for such a small amount of waste. Test 10 is also relevant in that the material accepted does not significantly add to the wastes needing to be disposed of in the UK.

UKAEA Constabulary

Mr. Matthew Taylor: To ask the President of the Board of Trade, pursuant to her answer of 30 April 1998, *Official Report*, column *237* if she will place a copy of the most recent HMI Constabulary report relating to security at UKAEA Constabulary-policed sites in the Library; and if she will list the security organisations which advised HMI on the report. [41086]

Mr. Battle *[holding answer 6 May 1998]:* The Director of Civil Nuclear Security, not HM Inspectorate of Constabulary, is responsible for auditing security at UKAEA Constabulary policed sites. HMI of Constabulary is tasked by the Police Authority to report on the operational efficiency and effectiveness of the force. As his reports relate to detailed arrangements concerning the internal security of nuclear material, it would not be appropriate to release them.

Ethical Trading

Dr. Tonge: To ask the President of the Board of Trade what recent initiatives involving private sector and non-Governmental organisations her Department has promoted to develop the ethical trading initiative. [41039]

Mrs. Roche: The Ethical Trading Initiative is a partnership between the private sector, non-governmental organisations and trades unions which is part-funded by the Department for International Development. DTI supports the ETI and similar partnerships which are promoted by the partners involved.

Information and Communication Technologies

Mr. Timms: To ask the President of the Board of Trade what steps she is taking to monitor and assess the United Kingdom's progress in the uptake of information and communication technologies in the United Kingdom compared with other countries. [41927]

Mrs. Roche: An understanding of the UK's position in the global information age is essential for development of relevant and timely government policies, and is an important tool for UK companies in benchmarking their own development. This is why the Department of Trade and Industry has been carrying out a series of benchmarking studies, as part of the Information Society Initiative (ISI), to compare progress in the UK with other major economies (USA, Japan, Germany, and France). Today I published the latest report 'Moving into the Information Age—International Benchmarking Study 1998' and copies have been place in the Library of the House. Copies of the 1998 report (and last year's report) are also available by calling the ISI Business Infoline on 0345 15 2000, or by e-mailing info@isi.gov.uk, or through the ISI website at http://www.isi.gov.uk.

ATTORNEY-GENERAL

Departmental Reviews

Sir Nicholas Lyell: To ask the Attorney-General how many reviews are currently in train in his Department; what is the cost to date of each review; and when each review is expected to report. [41152]

The Attorney-General: The only review currently in train in my Department is the Review of the Crown Prosecution Service under the chairmanship of Sir Iain Glidewell. The costs incurred in the financial year 1997–98 were £508,000.

I expect to receive the Report before the Spring Bank Holiday.

Written Answers to Questions

Wednesday 13 May 1998

CHURCH COMMISSIONERS

Human Rights

Mr. Gordon Prentice: To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what recent representations he has received concerning the implications of the Human Rights Bill [*Lords*] for religious organisations. [41202]

Mr. Stuart Bell: I have had a number of recent representations raising various issues relating to the effect on religious organisations, and particularly the Church of England, of the Human Rights Bill. A delegation representing the Church of England, the Roman Catholic Church and the Free Churches met the Home Secretary before Easter to explain their position.

ATTORNEY-GENERAL

Treasury Solicitor's Department

Mr. Hopkins: To ask the Attorney-General what key performance targets he has set for the Treasury Solicitor's Department in 1998–99. [41580]

The Attorney-General: In 1998–99 the performance of the Treasury Solicitor's Department will be measured against the following targets:

Performance	*Target*
Financial	
1. Annual efficiency savings in real terms	2.5%
2. To recover the full operating costs for chargeable services of the Agency	100%
3. To achieve an improvement of 25% on 1997–98 level of income recovery from clients within 30 days of their receipt of a validated invoice	75%
Legal services	
4. To maintain a level of client satisfaction of—(advisory)	95–100%
5. Reduction in average unit cost per chargeable hour in real terms (litigation)	2.5%
6. Minimum average number of chargeable hours recorded per full time caseholder per year (litigation)	1,150
7. Reduction in average unit cost per case in real terms—(bona vacantia)	2.5%

ENVIRONMENT, TRANSPORT AND THE REGIONS

Duty Free

Mrs. Ewing: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the potential effects on *(a)* the number of routes, *(b)* the cost, *(c)* the frequency and *(d)* employment provided in the United Kingdom of (i) continental ferry services and (ii) continental air passenger services of the abolition of internal European Union tax free sales in 1999; and if he will make a statement. [41169]

Ms Glenda Jackson: The Department has undertaken a review of the reports prepared for the shipping and aviation industry assessing the likely employment and economic effects of the abolition of intra-EC duty free sales in 1999. A copy has been placed in the Library today.

Sea Turtles

Mr. Dafis: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the recent World Trade Organisation ruling that a United States law protecting sea turtles is incompatible with world trade agreements. [41458]

Angela Eagle: We will read the report of the World Trade Organisation Panel on this case very carefully when it is made available to World Trade Organisation members who are not parties to the dispute in a few weeks' time. It would be premature to draw conclusions before knowing the full detail of the Panel's judgment. The Government will be able to comment once we have the papers and have assessed them.

Aviation Safety

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions what action *(a)* his Department and *(b)* the Civil Aviation Authority intend to take following the publication by the FAA that Bangladesh has been listed as not meeting international aviation safety standards. [41556]

Ms Glenda Jackson: None. However, the Civil Aviation Authority has already inspected on our behalf aircraft operated by airlines based in Bangladesh. In addition, Bangladesh has applied for an assessment under the International Civil Aviation Organisation's safety oversight assessment programme. We will review the position once that assessment has been carried out.

Park and Ride

Sir Raymond Powell: To ask the Secretary of State for the Environment, Transport and the Regions how many park and ride schemes his Department has *(a)* introduced and *(b)* drawn up since 1 May 1997. [41590]

Ms Glenda Jackson: I refer my hon. Friend to the answer I gave to the hon. Member for Lewes (Mr. Baker) on 13 March 1998, *Official Report*, column *308*.

Planning, design, and implementation of park and ride schemes are functions of local authorities. My Department's role is to fund those initiatives where authorities are able to demonstrate, in their annual Transport Policies and Programme submissions, that their proposals meet the criteria the Department has prescribed.

Walking Strategy Working Groups

Sir Raymond Powell: To ask the Secretary of State for the Environment, Transport and the Regions if he will

list the members of the three working groups on Walking Strategy, indicating how members were chosen, by whom and using what criteria. [41581]

Ms Glenda Jackson: Membership of the three working groups was based on recommendations of the Walking Steering Group plus other suggestions made within the Department. The final selection was made by a sub-group of the Steering Group.

No formal criteria were adopted other than to identify candidates with appropriate expertise and representing a broad range of interested and relevant organisations.

The current members of the working groups and the Steering Group are as listed:

Steering Group membership

Member	
Glenda Jackson CBE MP (Chair)	Parliamentary Under-Secretary of State, DETR
Mr. P. Barker	RNIB/GDBA Joint Mobility Unit
Mr. T. Bendixson	Pedestrians Association
Ms K. Beuret	Social Research Associates
Mr. W. Chapman	DETR
Mr. V. Christie	Local Government Association
Ms L. Cunningham	Department for Education and Employment
Mr. J. Deegan	Local Government Association
Mr. D. Fishwick	Welsh Office
Chief Supt M. Harwood	Association of Chief Police Officers
Dr. S. Martin	The Department of Health
Mr. D. Mathew	SUSTRAN
Mr. H. Morris	The Automobile Association
Mr. J. Moore	Scottish Office
Mr. D. O'Hagan	Department of the Environment for Northern Ireland
Mr. S. Phull (Secretary)	DETR
Mr. B. Plowden	Pedestrians Association
Ms L. Sloman	Transport 2000
Mr. J. Stone	Association of London Government
Mr. M. Talbot	DETR
Ms M. Waldron	DETR
Mr. A. Walford	Local Government Association
Mr. D. Williams	DETR

Working Groups

Member	
Working Group 1—Planning	
Mr. W. Chapman (Chair)	DETR
Mr. P. Ashcroft	Countryside Commission
Mr. H. Bailie	Department of the Environment for Northern Ireland
Mr. J. Bann	City of York Council
Mr. K. Cameron (Secretary)	DETR
Mr. K. Gardner	London Planning Advisory Committee
Mr. J. Harris	Bristol City Council
Sir Peter Large CBE	Joint Committee on Mobility for Disabled People
Mrs. B. Noble	DETR
Mr. P. Osborne	SUSTRANS
Mr. T. Pharoah	Independent consultant
Mr. T. Pope	Joint Mobility Unit
Ms M. Waldron	DETR
Ms R. Weatherall	Transport 2000
Mr. D. Williams	DETR
Mr. H. Williams	J. Sainsbury plc
Mr. T. Williamson	Scottish office

Working Groups

Member	
Working Group 2—Provision of Facilities	
Mr. M. Talbot (Chair)	DETR
Mr. E. Al-Uzaizi	Highways Agency
Mr. H. Bailie	Department of the Environment for NI
Mr. P. Cullen	Pedestrian Policy Group
Mr. C. Davis	CJDA Ltd (Architects)
Mr. D. Fishwick	Welsh Office
Mr. A. Gatenby	Joint Mobility Unit
Mr. R. Harman	The Chartered Institute of Transport
Dr. J. Hunt	Cardiff School of Engineering
Mr. B. Lee	DPTAC
Mr. J. Moore	Scottish Office
Mr. D. Palmer	Institution of Highways & Transportation
Mr. S. Phull (Secretary)	DETR
Mr. B. Plowden	The Pedestrians Association
Mr. R. Pullen	DETR
Mr. S. Reid	Cyclists Touring Club
Mr. J. Stone	Association of London Government
Mr. J. Trevelyan	The Ramblers' Association
Mr. A. Waddams	DETR
Mr. A. Walford	Local Government Association
Mr. M. White	Dorset County Council
Mr. D. Williams	DETR
Working Group 3—Social and Behavioural Aspects of Walking	
Mr. D. Instone (Chair)	DETR
Mr. T. Bendixson	The Pedestrians Association
Ms K. Beuret	Social Research Associates
Dr. S. Biddle	University of Exeter
Mr. N. Cavill	Health Education Authority
Ms L. Cunningham	Department for Education and Employment
Dr. H. Danskin	DETR
Ms E. Forsyth	DETR
Chief Supt M. Harwood	Association of Chief Police Officers
Mrs. A. Hill	Scottish School Boards Association (for Scottish Office)
Mr. J. Iles	SUSTRANS
Ms V. Lang	DPTAC
Mr. B. Louth	Cambridge City Council
Mr. J. Manson	Top Class Travel
Ms M. Rickman (Secretary)	DETR
Mrs. S. Sharp	DETR
Mr. D. Sherborne	Leeds City Council
Mr. M. de Silva	Department of Health
Ms R. Smith	DETR
Mr. D. Tweedale	Hertfordshire County Council
Dr. H. Ward	Centre for Transport Studies
Mr. D. Williams	DETR

Regional Development Authorities

Sir Raymond Powell: To ask the Secretary of State for the Environment, Transport and the Regions if he will list those organisations from which he has requested nominations to serve on the proposed *(a)* London, *(b)* South East, *(c)* North East, *(d)* North West, *(e)* Yorks and Humber, *(f)* West Midlands, *(g)* East Midlands, *(h)* Eastern and *(i)* South West Regional Development Authorities, indicating the number of nominations he has sought from each organisation, the dates of the interviews, and those who will be present at the interview, who will select those appointed and how the chair and vice chair will be chosen. [41582]

Mr. Caborn: Following my hon. Friend's question of 8 April 1998, *Official Report*, column *286*, I am writing to him with a list of organisations that were contacted

seeking nominations for RDAs. I am also placing a copy of the list in the Library. Nominations for the London RDA have been passed on to the relevant Government Office to be given to the Mayor. We did not seek a specific number of nominations from any organisation.

Candidates for interview have not yet been selected; nor have dates been set. All appointments will be made by Ministers.

Countryside Access

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions how much money has been *(a)* given and *(b)* committed by the Countryside Commission to the Country Landowners Association to assist with the CLA's Access 2000 project; if he will list the (i) numbers, (ii) size and (iii) location of sites involving new public access opened as a result of the expenditure; and if each new public access is (1) permanent, (2) free of charge and (3) paid for by (I) walkers and (II) a Government-funded scheme. [41548]

Mr. Meacher: The Country Landowners Association is taking action under its Access 2000 initiative to improve the quality, diversity and quantity of managed public access and recreation in the countryside. The CLA has employed an Access Adviser to assist them with the practical aspects of this initiative. The Countryside Commission is helping to meet the costs of the Access Adviser. To date, the Commission has paid approximately £17,000 and is committed to a maximum contribution of £68,500 over the three years to April 2000.

The work of the Adviser involves seeking voluntary improvements in the public access available over rural private land in England, and includes the production of guidance on making local access assessments. The Commission receives progress reports from the CLA and I shall be asking the Commission to seek up-to-date information from the CLA on the other points my hon. Friend raises and to write to him with the information available. A copy of the Commission's letter will be placed in the Library of the House.

Carbon Dioxide Emissions

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions what was the change in the level of the United Kingdom's carbon dioxide emissions in *(a)* quantity and *(b)* percentage terms in each of the last 10 years. [41380]

Angela Eagle: Carbon dioxide emissions and changes in the level of emissions since 1990 are as follows:

Year	*Emissions (million tonnes of carbon)*	*Level change (million tonnes of carbon)*	*Percentage change*
1990	167.7	—	—
1991	168.8	+1.1	+0.7
1992	164.3	−4.5	−2.7
1993	160.2	−4.1	−2.5
1994	159.1	−1.1	−0.7
1995	156.6	−2.6	−1.6
1996	161.8	+5.3	+3.4

The estimates in the Table are those reported to the United Nations Framework Convention on Climate Change on the basis of the guidelines recommended by the Intergovernmental Panel on Climate Change (IPCC). Final data for 1997 are not yet available but provisional estimates show that emissions last year were about 155 million tonnes, a decrease of some 4% from 1996. Differences between years are affected by outside temperature and this is the main reason for the increase between 1995 and 1996 and the subsequent decrease to 1997. Changes in economic activity, types of fuel used, the structure of the economy, and energy efficiency also affect emissions from year to year. Estimates on the IPCC basis are not available for years before 1990. Comparable data are available for earlier years on the basis used for reporting emissions to the United Nations Economic Commission for Europe, and these show that in 1988, 1989 and 1990 emissions changed by 0.0, -2.6 and +2.1 million tonnes of carbon, or 0%, -1.6% and +1.3% respectively.

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the likely increase in the United Kingdom's carbon dioxide emissions in *(a)* quantity and *(b)* percentage terms over the 10 years from the beginning of 1998. [41381]

Angela Eagle: UK projections of carbon dioxide emissions are under review, but the existing estimates based on Energy Paper 65 suggest that, without the introduction of further policies, emissions in 2008 would be about 9 million tonnes of carbon, or about 6%, higher than in 1998. The increase above the 1990 baseline would be about 0.2%. Actual emissions in any year will be affected by external factors including the fluctuation in outside temperature. We are currently looking at policies and measures to meet our legally binding commitment following the Kyoto agreement, and our domestic aim to reduce emissions by 20% below the 1990 level. We shall be consulting on this over the summer.

Nuclear Waste

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions what data he has collated in respect of the recent safety test conducted on the modified NTL-II transport container used to ship irradiated spent nuclear fuel from Krummel Nuclear Plant in Germany and Sellafield; when he received these data; and what actions he has taken as a result of this test. [41718]

Ms Glenda Jackson: No data have been received by this Department concerning these tests. The certificates of approval issued by DETR for the NTL 11 flask design were suspended by the Department on 20 February 1998 and they will remain so until the Department is satisfied that the designs meet the regulatory requirements.

Coastguard

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if the responsibility for the Coastguard service will continue to rest with his Department after the conclusion of the Belfast Agreement; and what changes will be made to existing arrangements. [40706]

Ms Glenda Jackson: No changes are proposed to the Coastguard service as a result of the Belfast Agreement.

House Condition Survey

Mrs. Butler: To ask the Secretary of State for the Environment, Transport and the Regions when he will publish the results of the 1996 English House Condition Survey. [42214]

Ms Armstrong: The report of the survey is to be published next week. A copy of the report and press release will be placed in the Library.

Thaumasite

Mr. Kidney: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer to the hon. Member for Reading, East (Jane Griffiths) of 1 April 1998, *Official Report*, columns *532–33*, if he will announce the composition of the expert group on thaumasite. [42215]

Mr. Raynsford: I am pleased to announce that the Expert Group on Thaumasite, to be chaired by Professor Leslie Clark, President elect of the Institution of Structural Engineers, will comprise the following members:

Member	*Representing*
Professor Leslie Clark	Chairman
Dr. Philip Nixon	The Building Research Establishment
Dr. Peter Robery	The Institution of Civil Engineers
John Haynes	The National House-Building Council
Dr. Bill Price	The Association of Consulting Engineers
Neil Dutton	The Council of Mortgage Lenders and The Royal Institute of Chartered Surveyors
Dr. Don Hobbs	The British Cement Association
Chris Curtis	The Quarry Products Association
John Patch	The Federation of Piling Specialists and Association of Specialist Underpinning Contractors
Terry Rochester	Construction Clients Forum
Roy Thurgood	The Department of the Environment Transport and the Regions
David Slater	The Concrete Society
Chris Judge	Secretariat

SOCIAL SECURITY

Pensioners (Income Support)

Mr. Gordon Prentice: To ask the Secretary of State for Social Security what steps she is taking to ensure that pensioners entitled to income support are made aware of their entitlement. [40016]

Mr. Denham: We have a Manifesto commitment to examine ways of delivering more automatic help to the poorest pensioners. We have already started to deliver—research is underway into why pensioners do not take up their Income Support entitlement, and last month we started pilot projects in nine areas to test out the best ways of identifying potential pensioner claimants and encouraging them to make a claim.

Apart from the pilots, there is a great deal of information available which explains what Income Support is, how to claim it and where people can go for help. Post offices, libraries and local authorities hold information leaflets.

In addition, many non-Governmental organisations, such as Age Concern, Help the Aged and the Citizens Advice Bureaux, usually have a wide knowledge of all Social Security benefits and are also available to advise the public.

War Widows

Mr. McLoughlin: To ask the Secretary of State for Health how many war widows currently receive both the DSS basic war widows' pension and the armed forces families' attributable pension. [41006]

Mr. Denham: I have been asked to reply.

The information requested is not available and could be obtained only at disproportionate cost. Such information as is available is that at 31 March 1998 there were 57,551 War Widows pensions in payment.

Welfare Reform

Mr. Hepburn: To ask the Secretary of State for Social Security what plans she has to implement the objective in the Green Paper on Welfare Reform that the social security system should be flexible, efficient and easy to use. [42270]

Mr. Keith Bradley: We are committed to transforming the Social Security system into an Active Modern Service which provides better, simpler and more efficient service for our customers. I am pleased to announce since 27 April the Benefits Agency Chiltern South Directorate in partnership with Camden Local Authority have started to test integrated service delivery by providing a single point of contact to lone parents who are claiming Income Support, Housing Benefit and Council Tax Benefit and who make applications for child support. In addition, the Benefits Agency and the London Borough of Lewisham are developing a project which will test better exchange of information and improved advice and service to customers. We want to know what customers and staff think about this new way of delivering services and we will be listening carefully to what they tell us.

CULTURE, MEDIA AND SPORT

Tourism Projects

Mr. Paice: To ask the Secretary of State for Culture, Media and Sport what consultations are undertaken by *(a)* the Millennium Commission and *(b)* the Heritage Lottery Fund to ascertain local opinion in areas subject to application for grants for major tourism projects. [40827]

Mr. Chris Smith: I refer the hon. Member to the reply I gave to the hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy) on 21 April 1998, *Official Report*, columns *565–66*.

Regional Orchestras

Mr. Barry Jones: To ask the Secretary of State for Culture, Media and Sport (1) what discussions he has had with the Chief Executives of regional orchestras; and if he will make a statement; [41642]

(2) how many regional orchestras have notified him that they have financial problems; and if he will make a statement; [41643]

(3) what steps he has taken to increase the funding of regional orchestras since 1997. [41641]

Mr. Fisher: The Arts Council of England takes decisions on the balance of funding between artforms and the distribution of Government grant-in-aid to regional orchestras without the involvement of Ministers. My right hon. Friend the Secretary of State and I have received representations from the major regional orchestras on a range of issues, and between us have met Chief Executives or other senior representatives of four of the main regional orchestras as well as other major orchestras.

Dukes Playhouse, Lancaster

Mr. Dawson: To ask the Secretary of State for Culture, Media and Sport if he will examine the policies of the North West Arts Board towards the Dukes Playhouse, Lancaster; and if he will make a statement. [41666]

Mr. Fisher *[holding answer 12 May 1998]:* North West Arts Board currently funds seven producing theatres in the North-West region, including £173,850 for the Dukes Playhouse, Lancaster in 1998–99. The Dukes Playhouse has also received a grant of £194,750 from the arts Lottery fund.

HOME DEPARTMENT

Deportations

Mr. Vaz: To ask the Secretary of State for the Home Department how many people have been deported from the United Kingdom since 1 May 1997. [40842]

Mr. Mike O'Brien: Information on the numbers of persons removed from the United Kingdom between 1 May 1997 and 31 January 1998 is given in the table.

Persons removed from the United Kingdom 1 May 1997 to 31 January 1998[1]

	Number of persons removed[1]
Removed as a result of deportation action[2,3]	1,410
Removed as a result of illegal entry action[2,4]	3,340
Removed under port procedures[2]	18,620
Total removed	23,370

[1] Data are provisional and rounded
[2] Action may have been initiated in an earlier period
[3] Includes persons who departed voluntarily after deportation action had been initiated against them
[4] Includes persons who departed voluntarily after illegal entry action had been initiated against them

Race Relations Forum

Mr. Vaz: To ask the Secretary of State for the Home Department if he will list the persons appointed to the Race Relations Forum. [40841]

Mr. Mike O'Brien: My right hon. Friend has already sent out invitations to the persons being asked to serve on the Race Relations Forum. Once they have all responded we will announce the membership of the Forum. It is anticipated that it will meet in June.

Obscenity

Barbara Follett: To ask the Secretary of State for the Home Department how many prosecutions there have been for sending obscene material via fax machines in each of the last five years. [41500]

Mr. Michael: Under section 2 of the Obscene Publications Act 1959, it is a criminal offence to publish or possess for gain an obscene article. A person publishes an article if he distributes, circulates, sells, lets on hire, gives or lends it, or offers it, or electronically transmits it. Material sent via fax machines comes within the scope of the Act.

Data collected centrally about proceedings under section 2 do not specify the type of medium (e.g. book, magazine, Internet, facsimile, etc.) used in the commission of an offence.

Barbara Follett: To ask the Secretary of State for the Home Department what statutory provision governs the transmission of obscene and unsolicited faxes. [41498]

Mr. Michael: The principal control on obscene material is the Obscene Publications Act 1959. Under this Act, it is an offence to publish an obscene article, that is, an article which, in the view of the court, tends to 'deprave and corrupt' those likely to see, read or hear it. It is the responsibility of the police to decide whether there are sufficient grounds to launch a criminal investigation and that of the Crown Prosecution Service to decide whether to prosecute those alleged to be responsible for the publication.

Under the Telecommunications Act 1984, anyone running a telecommunications system in the United Kingdom is required to do so under licence. These licences contain measures aimed at limiting the nuisance caused by unsolicited telephone and fax calls, by requiring callers to cease this practice on receipt of a written request from the recipient. OFTEL are responsible for enforcing these rules and ultimately the Director General has power to deprive persistent offenders of the right to operate their telephone system.

The Government have also recently published a consultation paper on implementation of the European Union Telecoms Data Protection Directive, which seeks to address the question of additional measures to protect businesses and residential consumers from unwelcome faxes. The Directive will be implemented later this year.

Drugs

Mr. Flynn: To ask the Secretary of State for the Home Department what estimate he has made of the numbers and percentage of the total population aged under 25 years that use *(a)* cannabis and *(b)* heroin (i) on a regular basis and (ii) occasionally. [41612]

Mr. Michael: The British Crime Survey (BCS) gives estimates of drug use amongst people aged 16 to 24 living in private households in England and Wales. The most recent estimates are from the 1996 survey, when 39 per cent. of people in this age group said they had used cannabis at some time, 26 per cent. said they had used it in the last year and 16 per cent. in the last month. The proportion admitting to heroin use were: 1.0 per cent. in life-time, 0.4 per cent. in last year and 0.1 per cent. in the last month.

The estimates of heroin use—especially use in the last month—should be treated with great caution, partly because they are subject to very large sampling error, and partly because a household survey such as the BCS is likely to under-represent current heroin users.

Because the findings are subject to sampling error, estimates of the number of people using drugs can be said, with a certain degree of statistical confidence, to fall within a range. The table gives this range, together with the mid-point estimate. The estimates for cannabis use are fairly precise, while those for heroin are not.

Number of 16 to 24 year olds using cannabis and heroin (95 per cent. confidence intervals)

(000)

	Lower estimate	*Higher estimate*	*Mid-point*
Cannabis			
ever used	2,100	2,400	2,300
used last year	1,400	1,700	1,500
used last month	800	1,100	900
Heroin			
ever used	30	110	60
used last year	10	60	20
used last month	1	40	6

Source:
1996 BCS. Weighted data

Firearms

Mr. Martyn Jones: To ask the Secretary of State for the Home Department if he will make arrangements to pay interest on outstanding claims under the compensation scheme for both high and small calibre pistols. [41798]

Mr. Michael: No. During the Parliamentary consideration of the compensation schemes last year, the principle of paying interest to claimants was expressly rejected. There is no reason to change that position.

Asylum Seekers

Mr. Stephen Twigg: To ask the Secretary of State for the Home Department if he intends to make public country assessments prepared in respect of the main asylum producing countries in the United Kingdom. [42271]

Mr. Mike O'Brien: Country assessments are being produced by the Country information and Policy Unit within the Immigration and Nationality Directorate on the 35 main asylum producing countries in the United Kingdom. The assessments will be completed over the next few weeks and will be made publicly available on the Home Office Internet site. Copies of the assessments will be placed in the Library as they become available. The assessments are all sourced to information obtained from independent external sources and from the Foreign and Commonwealth Office. A bibliography of sources used is included in each assessment.

Assessments are being prepared in respect of the following countries:

Afghanistan
Algeria
Angola
Bangladesh
Bulgaria
Cameroon
China
Colombia
Cote d'Ivoire
Cyprus
Democratic Republic of Congo (former Zaire)
Ethiopia
Former Republic of Yugoslavia
Ghana
India
Iran
Iraq
Kenya
Lebanon
Liberia
Lithuania
Nigeria
Pakistan
Poland
Romania
Russia
Rwanda
Sierra Leone
Somalia
Sri Lanka
Sudan
Ukraine
Uganda
Tanzania
Turkey.

It is intended to revise and update the assessments periodically; approximately six monthly depending on reported circumstances in the country concerned.

DEFENCE

Depleted Uranium Shells

Mr. Llew Smith: To ask the Secretary of State for Defence what reviews he is currently conducting on the *(a)* health and *(b)* environmental implications of the firing of depleted uranium shells at (i) Kirkcudbright test range at Dundrennan, (ii) Eskmeals in Cumbria and (iii) in Iraq, by British forces. [40633]

Mr. Spellar: Comprehensive environmental sampling programmes are in place at both Eskmeals and Kirkcudbright ranges where depleted uranium ammunition is fired. To date, calculated public radiation doses from all direct and indirect routes have been trivial, representing much less than 1 per cent. of the national annual radiation dose limit for members of the public. These monitoring programmes will continue until such time as the Environmental Agency considers that no further monitoring is necessary. The monitoring data is provided to the relevant local councils and environmental agencies.

No specific review of the environmental and health effects of firing depleted uranium ammunition in Iraq has been undertaken by the Ministry of Defence, nor is any review currently being carried out. To the best of our

knowledge, no specific UK studies have been conducted into the potential environmental effects of depleted uranium contamination on the battlefield. The Defence Evaluation and Research Agency has, however, undertaken an assessment of the health effects on personnel exposed to depleted uranium under battlefield conditions. A summary of this report, 'Radiological and Chemical Hazards of Depleted Uranium', has already been placed in the Library of the House. This report concluded that there was no indication that any UK troops had been subjected to harmful over-exposure to depleted uranium during the Gulf War.

TREASURY

Economic and Monetary Union

Mr. Cash: To ask the Chancellor of the Exchequer what assessment he has made of the economic benefits arising from membership of the Single Currency which would outweigh the constitutional costs to the United Kingdom of membership of EMU. [41344]

Mr. Gordon Brown: The Government do not accept that there is a constitutional bar that outweighs the economic tests as the decisive reason why we might join EMU. The constitutional issue is a factor in the decision, but it is not an overriding one. Rather it signifies that in order for monetary union to be right for Britain the economic benefits should be clear and unambiguous.

Mrs. Laing: To ask the Chancellor of the Exchequer what assessment he has made of the implications of the decision on which countries would enter EMU in the first wave for European political integrity. [40526]

Mr. Gordon Brown *[holding answer 12 May 1998]:* The UK Government supported the Commission recommendation on membership of the single currency on 1 January 1999 on the basis of the considerable progress made towards economic convergence on the basis of the Treaty criteria; the framework for stability and discipline provided by the Stability and Growth pact; the progress made by high-debt countries in reducing their debt-GDP ratios in recent years and their commitments to reducing them in the future; and the declaration issued by Finance Ministers on 1 May reaffirming the commitment to fiscal discipline, economic reform and job creation. The UK Government agreed with other Member States that in light of the above the necessary conditions for the adoption of the single currency had been achieved for all 11 candidates.

Value Added Tax

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what is his estimate of the revenue effect on the Exchequer of reducing the rate of value added tax on accommodation from 17.5 per cent. to 8 per cent., taking into account any effects on the demand for United Kingdom tourism; and if he will make a statement. [41161]

Dawn Primarolo *[holding answer 11 May 1998]:* After allowing for the impact on tourist expenditure in the UK, reducing the rate of VAT on accommodation from 17.5 per cent. to 8 per cent. is estimated to cost around £400m.

Mr. Edward Davey: To ask the Chancellor of the Exchequer when his Department will publish its Consultation Document on VAT Grouping; and if a copy will be placed in the Library. [40784]

Dawn Primarolo *[holding answer 11 May 1998]:* The proposal to consult on matters relating to VAT grouping was announced as part of this year's Budget Statement. Customs and Excise hope to publish as soon as possible. A copy will be placed in the Library.

Euro-X Committee

Dr. Fox: To ask the Chancellor of the Exchequer if he will make a statement on the position of the United Kingdom with regard to the Euro-X Committee. [40488]

Mr. Gordon Brown *[holding answer 12 May 1998]:* Euro-X is an informal body to be established in line with the conclusions of the Luxembourg European Council. In line with the Luxembourg conclusions, the United Kingdom will be present at meetings of Euro-X which discuss issues of common interest to all EU Member States. The ECOFIN Council, which involves all Member States, will remain the only decision making body on economic coordination.

SCOTLAND

Continence Services

Mr. Kirkwood: To ask the Secretary of State for Scotland if he will list for each local health board area the sums allocated to provide continence services in each area for the last three years for which figures are available, listing the amounts as a percentage of each board's primary care budget. [41446]

Mr. Galbraith: The information requested is not available centrally.

Edinburgh Royal Infirmary

Mrs. Ewing: To ask the Secretary of State for Scotland if he will make a statement on the development and financing of the new Edinburgh Royal Infirmary, and what representation he has received on the concerns of health care associations regarding future health care provision in the Edinburgh area. [41808]

Mr. Galbraith: The Royal Infirmary of Edinburgh NHS Trust is currently negotiating a PFI contract with its private sector partner for the delivery of the New Royal Infirmary. The development of the new facility on the south-east of Edinburgh is fully consistent with the Lothian Acute Strategy published in 1992.

Private Finance Initiative (NHS)

Mrs. Ewing: To ask the Secretary of State for Scotland if he will invite trade unions and professional associations representing NHS staff to interview companies short-listed as PFI partners. [41809]

Mr. Galbraith: I refer the hon. Member to the reply given to my hon. Friend the Member for Motherwell and Wishaw (Mr. Roy) on 7 May 1998, *Official Report*, column *469*.

Rents

Mr. Wallace: To ask the Secretary of State for Scotland if, in respect of the financial years 1996–97 and 1997–98, he will list for each housing authority in Scotland *(a)* the total amount of unpaid rent from housing authority tenants and *(b)* the proportion of unpaid rent from housing authority tenants in relation to the total rental income. [41478]

Mr. Macdonald: Information in the form requested is not available. The table provides information on the cumulative amount of rents not paid by local authority tenants as at 31 March 1997 and 30 September 1997, the latest dates for which information is available.

Council	*Total rent arrears at 31 March 1997* £	*Rent arrears as percentage of 1996–97 anticipated rental income* %	*Total rent arrears at 30 September 1997* £	*Rent arrears as percentage of 1997–98 anticipated rental income*
Aberdeen City	1,314,613	3.20	1,352,350	3.14
Aberdeenshire	666,484	2.61	445,157	1.70
Angus	117,831	0.89	264,496	1.91
Argyll & Bute	344,601	2.59	237,182	1.78
Clackmannanshire	463,209	4.64	499,534	4.89
Comhairle nan Eilean Siar	130,502	3.27	168,615	4.21
Dumfries & Galloway	556,007	2.20	616,630	2.52
Dundee City	1,538,703	3.58	1,262,093	2.89
East Ayrshire	768,475	2.93	1,171,808	4.25
East Dunbartonshire	711,253	6.63	860,543	8.36
East Lothian	629,792	4.16	700,067	4.35
East Renfrewshire	258,438	4.01	313,100	4.66
City of Edinburgh	1,855,641	2.62	2,225,376	2.96
Falkirk	949,005	3.00	1,257,113	3.61
Fife	2,485,779	3.92	2,488,105	3.76
Glasgow City	11,083,000	5.33	12,716,813	5.87
Highland	1,031,656	2.71	1,111,685	2.81
Inverclyde	1,523,861	6.89	1,498,925	6.38
Midlothian	296,430	2.98	371,676	3.38
Moray	201,764	1.80	148,601	1.34
North Ayrshire	1,188,745	4.45	1,211,568	4.13
North Lanarkshire	2,201,944	2.60	2,172,580	2.50
Orkney Islands	49,568	2.70	60,577	3.40
Perth & Kinross	180,453	1.17	216,031	1.41
Renfrewshire	1,186,429	3.33	1,524,650	3.92
Scottish Borders	272,265	2.13	229,899	1.77
Shetland Islands	152,301	3.59	189,712	4.30
South Ayrshire	814,714	4.38	526,948	2.77
South Lanarkshire	1,665,169	2.48	1,540,922	2.15
Stirling	950,475	6.20	1,118,950	7.19
West Dunbartonshire	1,575,786	5.85	1,026,377	3.84
West Lothian	1,213,945	4.85	725,223	2.33
Scotland	38,378,838	3.75	40,253,306	3.76

Women Offenders

Mr. Browne: To ask the Secretary of State for Scotland if he will publish the report which he commissioned into Women's Offending. [42280]

Mr. McLeish: I have today published the Report "A Safer Way" on Community Disposals and the Use of Custody for Women Offenders in Scotland the Government's response to the report's seven recommendations. Copies are available in the Libraries of the House.

WALES

NHS Waiting Lists

Mr. Rowlands: To ask the Secretary of State for Wales what is the estimated amount of additional money being made available to each Welsh health authority in 1998–99 to deal with rising waiting lists. [41176]

Mr. Win Griffiths: I refer my hon. Friend to the answer given to my hon. Friend the Member for Alyn and Deeside (Mr. Jones) on 8 May 1998, *Official Report*, column *512*.

New Deal

Mr. Rowlands: To ask the Secretary of State for Wales what is the estimated budget for *(a)* the New Deal and *(b)* Welsh Training and Enterprise Councils in 1998–99; and if he will make a statement on the (i) actual and (ii) percentage change in these figures relative to those in 1997–98. [41175]

Mr. Hain: The budget for the New Deal in Wales in 1998–99 will depend on the take-up of the various New Deal programmes. The Employment Service, which has responsibility for the New Deal, currently anticipates that expenditure will be in the range of £25-£30 million.

The budget for Wales in 1997–98 is not comparable with this figure as it comprised only the 3-month Pathfinder for the New Deal for 18–24 year olds in South-West Wales.

Provision for programmes delivered through TECs in 1998–99 is £104.4 million. This compares with an equivalent figure of £110.6 million last year—a reduction of £6.2 million, or 5.6 per cent.

Recycling

Mr. Wigley: To ask the Secretary of State for Wales if he will review the guidelines issued to local government in Wales on the recycling of domestic and commercial waste products as regards *(a)* the extent of recycling and *(b)* improving facilities for recycling, particularly in rural areas. [41107]

Mr. Win Griffiths: In January, the Government announced that they would be undertaking a comprehensive review of waste management policy with a view to preparing a statutory waste strategy. A consultation paper will be issued shortly. Developing the strategy will offer the opportunity to consider all the various waste management options, including recycling, in the context of sustainable waste management.

Also, in March this year, the Government issued revised guidance to local authorities on preparing and revising local authority recycling strategies and recycling plans. The guidance incorporates advice on a wide range of recycling issues and will assist local authorities in developing effective plans for their areas.

North Wales Health Authority

Mr. Wigley: To ask the Secretary of State for Wales what percentage of the capitation money available to the Health Service in Wales was allocated to the North Wales Health Authority in *(a)* 1997–98 and *(b)* 1998–99; and what proportion of the change in the total funding available to the North Wales Health Authority between those years was accounted for by the change in capitation finance. [41100]

Mr. Win Griffiths: In 1997–98, the North Wales Health Authority discretionary Hospital, Community and Family Health Services allocation, was £314.410 million which represented 22.926 per cent. of the Wales total. In 1998–99 the corresponding figures were £322.950 million and 22.910 per cent. This represents a year-on-year cash change of £8.540 million, net of a £0.226 million capitation effect. This represented 2.6 per cent. of the cash change.

This net cash change does not represent the 1998–99 cash increase allocated to North Wales Health Authority which, on the start position for 1997–98 (adjusted for recurrent changes and repatriations), was £12.520 million or 4.0 per cent.

Beef Sales

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on his Department's efforts to promote the sale of beef produced in Wales. [41488]

Mr. Win Griffiths: I refer my hon. Friend to the reply I gave to my hon. Friend the Member for Clwyd, West (Mr. Thomas) on 30 April 1998, *Official Report*, column *199*.

Skills Shortages

Mr. Barry Jones: To ask the Secretary of State for Wales how he proposes to eliminate skills shortages in skilled manufacturing industry in Wales. [41492]

Mr. Hain: A wide range of action is in hand to tackle skill shortages in manufacturing industry, most notably the "Action Plan for Manufacturing Training in Wales" which has been drawn up by the Council of Welsh TECs with the support of the Welsh Development Agency, the Development Board for Rural Wales, the Funding Councils, the WLGA, the CBI and the TUC. An additional £3.5 million has been made available in 1998–99 for the FEFCW, working closely with the TECs, to meet locally identified skill needs and to support training in key advanced skills directly relevant to realising the Action Plan.

The Education and Training Action Group is also looking at the priority skill needs which exist in Wales and how the education and training system might adapt to meet these.

Milk Prices

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has had with dairy producers concerning the price of milk; and if he will make a statement. [41490]

Mr. Win Griffiths: I am conscious, through discussions with the farming unions and directly with dairy producers, that farm gate milk prices have fallen compared to last year. The latest available information suggests that in March this year, producers received on average 19.72 pence per litre. This was nearly 4 pence per litre down on the same period the previous year. This is mainly due to the effects of the strong pound which has reduced farm profitability across a range of sectors and mirrors the occasions in the past when sterling was weak and farming profitability often improved. However, the Government appreciate the present difficulties in the dairy sector and we are keeping the situation as it develops under close review.

In part, low prices are due also to the apparent lack of demand for milk for manufacturing. I am aware that farmers have concerns about the rules governing the selling system which they believe to be contributing to the low milk price they currently receive. The Monopolies and Mergers Commission is currently investigating the supply of raw milk in Great Britain following a referral by the Office of Fair Trading. The Government welcome this investigation which will examine all aspects of the current selling system.

Hill Farms

Mr. Barry Jones: To ask the Secretary of State for Wales what assessments he has made of the importance of hill farms to the rural economy in the uplands of Wales. [41489]

Mr. Win Griffiths: An assessment of the importance of hill farming to the rural economy is contained in a report on "LFA Policy in Wales: A Review of the Socio-Economic and Environmental Effects of the HLCA Scheme" commissioned by the Welsh Office and published by the Welsh Institute of Rural Studies on 20 April 1998. The sheep and cattle sectors predominate in the less favoured areas of Wales and the report states that using 1991 estimates for every on-farm job in the sheep sector there are 0.36 jobs in other industries in Wales. The comparable figure in the cattle sector is 0.35 jobs.

New Deal (Disabled People)

Mr. Barry Jones: To ask the Secretary of State for Wales how he expects the New Deal to assist those in Wales with disabilities; and if he will make a statement. [41496]

Mr. Hain: The New Deal for People with Disabilities will help people with a disability or long-term illness who want to work to do so.

£195 million has been set aside across the UK to develop a range of initiatives to help those currently dependent on benefits to return to work; those in work to remain in work; and to help carers balance any responsibilities with work, or to take up work when their caring responsibilities come to an end.

The programme of help will include innovative projects which will test ways to help people move into work and remain in work; an information campaign; research into current and developing provision and benefit changes to remove disincentives to work.

Central to this will be personal advice to help disabled people and those with long-standing illness to identify and overcome barriers to work. This approach will enable tailored plans to be developed for each individual who participates under the New Deal. This Personal Adviser Service will be piloted from October 1998 in a number of areas. I am delighted that one of these pilots will be in Wales (covering Merthyr, Aberdare, Blackwood, Caerphilly and Ebbw Vale).

Playgroups

Mr. Barry Jones: To ask the Secretary of State for Wales (1) what moneys he has given to pre-school playgroups in Wales; and if he will make a statement on his policy towards playgroups; [41497]

(2) what new funding he proposes for the playgroup movements in Wales; and if he will make a statement. [41651]

Mr. Win Griffiths: Playgroups have vital role in the development of both childcare and early years education for the under fives. We want to work in partnership with them to help meet the needs of children in Wales and their families. Wales Pre-school Playgroups Association and Mudiad Ysgolion Meithrin, as the principal voluntary organisations in this field, continue to receive core grant support from the Welsh Office.

We will expect the 22 early years partnerships in Wales to consider available provision in playgroups in drawing up their early years development plans. Early education places in playgroup settings identified in EYDPs will be funded from resources we have made available in the 1998–99 local government revenue settlement. The plans will take effect from 1 September. Partnerships have until 31 May to submit their draft proposals to my right hon. Friend.

I am currently considering the development of a childcare strategy for Wales. Our proposals, which will seek to build on all the diverse forms of quality provision, including playgroups, already available, will be published shortly.

New Deal (Long-term Unemployed)

Mr. Barry Jones: To ask the Secretary of State for Wales if he will increase the proportion of money available under the New Deal for the long-term unemployed who are over 25 years old. [41493]

Mr. Hain: £3.5-£4.5 million, depending on take up, has been set aside from the windfall tax for the New Deal for people aged 25 and over in Wales. In addition, my right hon. Friend the Chancellor of the Exchequer has already announced that a further £100 million is to be made available, across the UK, to pilot an extension of the New Deal approach for this age group. An appropriate share of this will come to Wales, the exact amount being dependent upon the number, scale and nature of the pilots.

Gwent Tertiary College

Mr. Touhig: To ask the Secretary of State for Wales how many credit cards have been issued by Gwent Tertiary College; who has been issued with a credit card; for what purpose credit cards were issued; and what was the annual cost to Gwent Tertiary College for the use of the credit cards in the last year for which figures are available. [41386]

Mr. Hain: The information requested is not held centrally, but I am copying this question and answer to the Chief Executive of the College.

Mr. Touhig: To ask the Secretary of State for Wales what is the current student to teacher ratio in Gwent Tertiary College; and what were the figures in *(a)* 1995, *(b)* 1996 and *(c)* 1997. [41547]

Mr. Hain: The latest available student to teacher ratio for Gwent Tertiary College is for the academic year 1995/96 and is 16.4.

PRIME MINISTER

Prime Minister

Sir Peter Tapsell: To ask the Prime Minister if he will list his official engagements for Wednesday 13 May. [41355]

The Prime Minister: This morning I had meetings with Ministerial colleagues and others. In addition to my duties in the House I will have further such meetings later today.

TRADE AND INDUSTRY

Nuclear Weapons

Mr. Baker: To ask the President of the Board of Trade what assessment she has made of the potential for extracting plutonium from exported MOX fuel for use in the production of nuclear weapons; and if she will make a statement. [40328]

Mrs. Beckett *[holding answer 7 May 1998]:* No detailed assessment has been made of the potential for extracting plutonium from exported MOX fuel for use in the production of nuclear weapons. I understand, however, that it is technically difficult to produce nuclear weapons using the reactor grade plutonium contained in MOX fuel. The potential for theft or diversion of plutonium, including that in MOX fuel, is fully taken into account in the application of internationally agreed safeguards and security measures. Plutonium, including that in MOX fuel, is exported only to countries that have provided the necessary assurances in relation to physical protection, safeguards and peaceful use.

Arms Exports

Mr. Redwood: To ask the President of the Board of Trade what changes to guidelines on arms sales have been made by her Department to reflect the Foreign and Commonwealth Office's ethical foreign policy. [41158]

Mrs. Beckett *[holding answer 8 May 1998]:* Licences to export arms and other goods controlled for strategic reasons are issued by the President of the Board of Trade and the Export Control Organisation of the Department of Trade and Industry is the licensing authority. All relevant individual licence applications are circulated by the DTI to other Government Departments with an interest, as determined by them in line with their policy responsibilities. These include the Foreign and Commonwealth Office, the Ministry of Defence and the Department for International Development.

The criteria announced by my right hon. Friend the Foreign Secretary on 28 July 1997, *Official Report*, columns 26–29, are used when considering all individual applications for licences to export goods entered in Part III of Schedule 1 to the Export of Goods (Control) Order 1994. The criteria are also applied to licence applications for the export of dual-use goods when there are grounds for believing that the end user of such goods will be the armed forces or the internal security forces of the recipient country.

The criteria are not applied mechanistically and judgment is always required. Individual applications are considered case by case.

Recreational Craft Directive

Mr. Dawson: To ask the President of the Board of Trade what assessment she has made of the impact of the Recreational Craft Directive on small traditional boat builders; and if she will make a statement. [41665]

Mr. Battle *[holding answer 12 May 1998]:* At the time that this Directive was being negotiated, the Department commissioned a Compliance Cost Assessment. This report concluded that, of those UK boat-building companies affected, the extra costs of compliance would be around 1% of the value of the industry's output. Although costs differed, dependent on the type of product, the survey concluded that there was general industry support for the principle of the Directive and that an undue burden would not exist provided that the regulations were appropriately enforced. My officials continue to liaise closely with those concerned to ensure that this is the case.

Ministerial Visits

Mr. Mackinlay: To ask the President of the Board of Trade which Ministers have visited the principal applicant countries for EU membership over the past *(a)* six months and *(b)* 12 months; and if she will list the countries concerned. [41247]

Mrs. Beckett *[holding answer 12 May 1998]:* My noble Friend the Minister for Trade has visited the following principal EU applicant States: the Czech Republic, Poland, and Hungary. All the visits took place during the last six months.

Mr. Mackinlay: To ask the President of the Board of Trade if she will list those countries other than EU member states and the principal EU applicant states which Ministers in her Department have visited in the past *(a)* six months and *(b)* 12 months. [41246]

Mrs. Beckett *[holding answer 12 May 1998]:* DTI Ministers have visited the following countries outside EU Member States and the principal EU applicant states:

	a) Last 6 months	*b) Last 12 months*
President of the Board of Trade	India Australia China and Hong Kong Pakistan Russia	Japan USA
Minister for Trade	Quatar UAE Yemen Zimbabwe Australia New Zealand Japan Israel	USA South Africa Thailand Malaysia Chile Argentina Korea Indonesia
Minister for Science, Energy and Industry	USA Switzerland	Canada Africa Azerbaijan
Minister of State	—	—
Minister for Trade and Competitiveness in Europe	—	—
Parliamentary Under-Secretary of State for Competition and Consumer Affairs	USA	—
Parliamentary Under-Secretary of State for Small Firms, Trade and Industry	Egypt Kenya Uganda	Brazil

Manufacturing Industry

Mr. Page: To ask the President of the Board of Trade, pursuant to the oral statement of 6 April 1998, *Official Report*, column 123, what recent representations she has

received from hon. Members representing constituencies in the South East on manufacturing industry; and what response she has issued. [41074]

Mr. Battle *[holding answer 12 May 1998]:* I received a representation from the hon. Gentleman and in reply acknowledged the interest he has taken in the state of manufacturing industry.

FOREIGN AND COMMONWEALTH AFFAIRS

Indonesia

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what reports he has received of the abduction of Indonesian human rights activists by army units; and what representations he has made to the Indonesian authorities; [41555]

(2) what reports he has received relating to the ability of Indonesian students to exercise their rights to freedom of assembly and expression; and what representations he has made to the Indonesian authorities on this matter. [41562]

Mr. Fatchett: We have received many disturbing reports about disappearances, detentions and clashes between the Indonesian security forces and students. HM Ambassador in Jakarta has raised our concerns with the Indonesian authorities together with colleagues from the EU Troika. We have called on the Indonesian authorities to exercise maximum restraint in protecting and restoring public order; to uphold democratic rights such as freedom of expression and assembly; and to ensure that universally accepted human rights are not violated. My right hon. Friend the Chancellor of the Exchequer in his recent meeting with President Suharto raised political reform and emphasised the need for respect for individual rights.

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what assurances he has received from the Indonesian Government regarding the end use of British-made water cannon; and what representations he has made to the Indonesian authorities regarding the recent use of water cannon. [41544]

Mr. Fatchett *[holding answer 11 May 1998]:* We continue to urge the Indonesian authorities to respond to civil unrest with restraint. We emphasise to the Indonesian Government the need for political reform and for respect for individual rights, as my right hon. Friend the Chancellor of the Exchequer did in Jakarta last week.

This Government have received no assurances about the use of British-made water cannon. Our records for licence applications that have been technically assessed show that we have received none for the export of water cannon to Indonesia since 1 May 1997. I would be very surprised if an application for such an export licence were to be forthcoming.

European Communities

Mr. Cash: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer to the hon. Member for New Forest, West (Mr. Swayne) of 18 March 1998, *Official Report*, column *611*, for what reasons the Government will not incorporate Article K7 of the Treaty on European Union into United Kingdom law; and what the consequences of not incorporating Article K7 will be for the implementation of the Treaty of Amsterdam in the United Kingdom. [41753]

Mr. Doug Henderson: The European Communities (Amendment) Bill, the passage of which will allow the United Kingdom to ratify the Treaty of Amsterdam, incorporates into domestic law those parts of the Treaty of Amsterdam which give rise to Community rights and obligations. It does not incorporate the Treaty's provisions dealing with Pillars II and III (such as Article K7), since these are intergovernmental provisions which do not give rise to Community rights and obligations.

British Virgin Islands

Mr. Randall: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will indicate for each island belonging to British Overseas Territories in the Anegada Passage if it is *(a)* both rat and cat free and *(b)* possesses (i) a pier and (ii) an airfield. [41627]

Mr. Tony Lloyd: Anegada and Virgin Gorda, two of the British Virgin Islands, are located on the north-western side of the Anegada passage. Both have cats and rats, and piers and an airfield.

East Timor

Dr. Desmond Turner: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has for visits by himself or other Foreign Office representatives to East Timor during the United Kingdom tenure of the EU presidency; and what plans he has to investigate human rights abuses in that country. [41719]

Mr. Fatchett: HM Ambassador in Jakarta will be leading a visit of EU Troika Ambassadors from Jakarta to East Timor in early June. We continue to monitor the human rights situation in the territory with the help of information received from a wide range of sources.

NORTHERN IRELAND

Economic Development

9. **Mr. Reed:** To ask the Secretary of State for Northern Ireland what consultation she has had with business about the prospects for the economy following the Belfast agreement. [40688]

Mr. Ingram: I have had discussions with many business people in Northern Ireland since 10 April. Prospects for the local economy will be enhanced enormously if we can now secure a lasting political settlement. My right hon. Friend the Chancellor's initiative, announced by my hon. Friend yesterday, will further help in a major way to realise these prospects.

15. **Mr. Fitzpatrick:** To ask the Secretary of State for Northern Ireland what assessment she has made of the scope for increased cross-border co-operation on economic development. [40695]

Mr. Ingram: Significant cross-border co-operation already exists in the areas of rail and road developments, tourism, trade and energy. It offers mutual advantage and real economic benefits to both Northern Ireland and the Republic. Cross-border trade in particular has grown

substantially in recent years generating greater wealth and employment in both parts of Ireland. In 1997 it was worth over £1.6 billion and has the potential for further growth.

19. **Charlotte Atkins:** To ask the Secretary of State for Northern Ireland if she will make a statement on the future prospects for economic development in Northern Ireland. [40699]

Mr. Ingram: Prospects for economic development in Northern Ireland are very encouraging. The number of people in employment is the highest on record. Unemployment has fallen to well below the EU average. Manufacturing output is outpacing the UK average. These prospects would be enormously enhanced with lasting peace and an agreed political settlement.

26. **Dr. George Turner:** To ask the Secretary of State for Northern Ireland what assessment she has made of the benefits for economic development from cross-border co-operation. [40707]

Mr. Ingram: Government agencies and the private sector have been co-operating with their counterparts for a number of years on a wide range of economic activities including infrastructure, tourism, trade and energy issues. Such mutually beneficial co-operation can contribute significantly to the generation of employment and greater prosperity in both parts of Ireland.

Parades Commission

11. **Mr. Trimble:** To ask the Secretary of State for Northern Ireland if she will make a statement on the Parades Commission. [40690]

Mr. Ingram: The Parades Commission has the statutory responsibility of encouraging and facilitating local accommodation on contentious parades and, where this is not possible, making legally binding determinations on such parades. In carrying out this difficult but important task the Parades Commission retains the Government's complete confidence in its ability to operate in a totally independent, impartial and even-handed way in the best interests of the whole community in Northern Ireland.

Security Situation

12. **Mr. Spring:** To ask the Secretary of State for Northern Ireland what is her assessment of the current security situation. [40691]

16. **Mr. Savidge:** To ask the Secretary of State for Northern Ireland what is her assessment of the security threat in the run-up to the referendum vote. [40696]

Mr. Ingram: In recent weeks, there have been a number of terrorist incidents committed by groups attempting to de-rail the peace process.

Since the signing of the Agreement on 10 April there have been two murders and several attempts have been made to detonate explosive devices. Sadly, a continuing threat exists from those terrorist groups opposed to the Agreement. The security forces remain alert to deal with this.

Royal Ulster Constabulary

13. **Mr. Brazier:** To ask the Secretary of State for Northern Ireland if she will make a statement on the proposed review of the RUC. [40693]

Mr. Ingram: I refer the hon. Member to the reply I gave earlier today to the hon. Member for Ruislip-Northwood (Mr. Wilkinson).

Guardsman Shackleton

14. **Mr. Dalyell:** To ask the Secretary of State for Northern Ireland if she will compile and publish a report on the circumstances in which Guardsman Shackleton was killed in Northern Ireland; and if she will assess the state of knowledge about the killing among the troops of the British Army at the time. [40694]

Mr. Ingram: The brutal murder of Guardsman Shackleton was fully investigated by the RUC. The circumstances surrounding his murder were also widely reported in the media at the time. The Secretary of State does not believe that publishing a report at this time would be appropriate.

With regard to the knowledge about the killing among the troops in Northern Ireland, soldiers across the command were aware of the murder of one of their colleagues.

Human Rights

17. **Mr. Rammell:** To ask the Secretary of State for Northern Ireland if she will make a statement on the impact of the Belfast agreement on the Government's human rights policies. [40697]

Mr. Paul Murphy: I refer my hon Friend to the answer I gave earlier to my hon. Friends the Members for Slough (Fiona Mactaggart) and for Birmingham, Hall Green (Mr. McCabe).

Grammar Schools

18. **Sir Teddy Taylor:** To ask the Secretary of State for Northern Ireland what percentage of secondary school children in Northern Ireland attend grammar schools. [40698]

Mr. Worthington: In 1997–98 some 41% of school pupils in years 8–14 attend grammar schools, ie. 35% of pupils in years 8–12 and 73% of pupils in years 13–14.

Assembly

20. **Mr. Mackinlay:** To ask the Secretary of State for Northern Ireland if she will make a statement on progress in drafting legislation for the assembly and the formation of the Executive. [40700]

Marjorie Mowlam: The Northern Ireland (Elections) Act 1998, providing for the holding of elections to the new Northern Ireland Assembly, received Royal Assent on 7 May 1998. It will permit the meeting of the Assembly in shadow form, and the designation of shadow Ministers, as provided for in the Belfast Agreement.

Legislation giving further effect to the Agreement, including the discharge of Executive functions, will be presented to the House later.

Decommissioning

21. **Mr. Robathan:** To ask the Secretary of State for Northern Ireland how many terrorist weapons have been handed in since 10 April; and when she expects to draw up a timetable for the decommissioning of all such weapons. [40701]

Mr. Ingram: No terrorist weapons have yet been decommissioned. The Good Friday Agreement commits all who endorse it to use all their efforts to achieve the total disarmament of all paramilitary organisations and confirmed their intention to use their influence to achieve the decommissioning of all paramilitary arms within two years following endorsement of the Agreement. As part of the Agreement the two Governments have undertaken to bring the relevant decommissioning schemes into force by the end of June.

Mrs. Ann Winterton: To ask the Secretary of State for Northern Ireland what representations she has received regarding the decommissioning of illegal weapons; and if she will make a statement. [40703]

Mr. Ingram: Many representations have been made to the Government on decommissioning over the last year. It would not be possible to quantify the numerous discussions which have taken place during the Talks process, in meetings with the Independent International Commission on Decommissioning and with representatives of the Government of the Republic of Ireland.

Equality Commission

22. **Mr. Ennis:** To ask the Secretary of State for Northern Ireland if she will make a statement on the consultation process prior to the establishment of the Equality Commission. [40702]

Mr. Worthington: The White Paper "Partnership of Equality" invited written comments on a proposal for the establishment of a single Equality Commission. Consultation on this proposal will extend to 12 June 1998, after which comments will be given careful consideration by the Government before final decisions are made.

Youth Unemployment

24. **Mr. Fabricant:** To ask the Secretary of State for Northern Ireland if she will make a statement on the prospects for reducing youth unemployment in the Province. [40704]

Mr. Worthington: All 16 and 17 year olds in Northern Ireland who leave school are guaranteed a place in education or on Jobskills, a programme which gives them the opportunity to train to NVQ level II. Over 12,000 trainees participated in Jobskills during 1997/98 with some 52 per cent. gaining employment immediately after leaving the programme. As of 6 April 1998 the New Deal for 18–24 year olds who have been unemployed for over six months came into effect. It is estimated that approximately 16,000 young people will enter the programme during this financial year and New Deal Personal Advisers will help all to improve their employability and find jobs.

Gender Equality

25. **Ms Moran:** To ask the Secretary of State for Northern Ireland what representations she has received about gender equality issues as set out in the Belfast agreement. [40705]

Marjorie Mowlam: I have not to date received representations on gender equality aspects of the Agreement. However, the role of women in the new arrangements for Northern Ireland is an important matter for all the parties to the Agreement to take forward.

Comprehensive Spending Review

27. **Mr. Dobbin:** To ask the Secretary of State for Northern Ireland what progress is being made on the comprehensive spending review in Northern Ireland. [40708]

Mr. Paul Murphy: Substantial progress has already been made on the Review and I expect it to be completed later this year, in line with the national timetable.

Referendum

Mr. McNamara: To ask the Secretary of State for Northern Ireland if she will make a statement on the role of civil servants in the referendum campaign. [42125]

Mr. Paul Murphy: During the campaign, as at all other times, civil servants are required to conduct themselves in accordance with the Civil Service Code and, in the case of the Northern Ireland Civil Service, their Code of Ethics also. To reinforce this, guidance is being issued both to the Home Civil Service members of the NIO and to the Northern Ireland Civil Service. I have arranged for a copy of this guidance to be placed in the Libraries of both Houses.

AGRICULTURE, FISHERIES AND FOOD

Scallop Dredging

Mr. Sanders: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the effect on the marine environment off the South Devon coast caused by scallop dredging. [41141]

Mr. Morley: Preliminary results from work conducted in 1997 off Start Bay and Salcombe indicate that in areas open to scallop dredging or other bottom fishing the seabed has a relatively uniform topography inhabited by animals able to withstand bottom fishing disturbance. Areas where that type of fishing does not take place have a wide diversity of habitats supporting animals sensitive to fishing disturbance.

It is not possible to infer that scallop dredging is the cause of the observed difference because we do not know the original state of the survey areas which are, in any event, subject to tidal effects, storm damage and other natural events.

Radioactive Waste Dumping

Mr. Bennett: To ask the Minister of Agriculture, Fisheries and Food, pursuant to the answer of 15 July 1997, *Official Report*, column *147–48*, what further information his Department now has on dumping of radioactive waste at sea. [41364]

Mr. Rooker: I refer my hon. Friend to the replies I gave to our hon. Friends the Members for Greenock and Inverclyde (Mr. Godman) and for Workington (Mr. Campbell-Savours) on 30 July 1997 and 24 November 1997, *Official Report*, columns *322–24* and *409–10*.

Quarantine Kennels

Mr. Gale: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the *(a)* facilities, *(b)* standards of care and *(c)* standards of inspection in quarantine kennels; if he will revoke the licences of those quarantine kennels that are below acceptable standards; and if he will make a statement. [41511]

Mr. Rooker *[holding answer 12 May 1998]:* All authorised quarantine premises in Great Britain are inspected by MAFF Veterinary Officers at least four times a year. The inspections are carried out to check that if any animal on the premises had rabies, the disease would not be transmitted. Serious infringements could result in revocation of authorisation. The inspections also look at compliance with the Voluntary Code of Practice for the Welfare of Dogs and Cats in Quarantine Premises in respect of those premises that have agreed to abide by the Code. Should the Animal Health (Amendment) Bill, which the Government support, receive Royal Assent, this Voluntary Code of Practice will be replaced by statutory welfare standards.

A television programme on 5 May made serious allegations about disregard for the quarantine regulations and poor welfare of animals at two quarantine kennels. These are being looked into urgently by my department, and inspection visits to the premises concerned have taken place since the programme.

Common Fisheries Policy

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the Government's policy towards the Common Fisheries Policy derogations relating to six and 12 mile limits; and what action he will take to provide a basis for future investment in new boats by inshore fishermen. [41607]

Mr. Morley *[holding answer 12 May 1998]:* The Government are committed to the continuation of the restrictions on access by foreign vessels within the 6 and 12 mile fishery limits. This and the continued application of appropriate conservation measures will help ensure that inshore fishermen have a sound basis for future investment decisions.

Oil Spill Treatments

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food which regulations and licensing arrangements apply to products used *(a)* to treat oil spills on (i) rocks and beaches and (ii) the sea and *(b)* to clean birds and animals affected by oil spills. [41603]

Mr. Morley *[holding answer 12 May 1998]:* Products used to treat oil spilled at sea, including any area of the shoreline (such as rocks and beaches) which is submerged at mean high water springs, must be approved by the relevant Fisheries Minister under the terms of the Deposits in the Sea (Exemptions) Order 1985 and the Food and Environment Protection Act 1985.

These regulations do not apply to products used to clean birds or animals affected by oil spills. I am not aware of any other regulations or licensing arrangements applicable to such products.

EDUCATION AND EMPLOYMENT

Swimming

Mr. Gareth Thomas: To ask the Secretary of State for Education and Employment if he will ensure that the standard of attainment reached by schools in respect of swimming and water safety is recorded in OFSTED inspections. [41453]

Mr. Byers: This is a matter for HM Chief Inspector of Schools. I have asked him to write to the hon. Member and to place a copy of his letter in the Library.

New Deal Hotline

Mr. Levitt: To ask the Secretary of State for Education and Employment if the confidential telephone hotline established for employees under the New Deal will be accessible to deaf and hard of hearing people through the provision of a textphone service and the training of hotline staff in the use of the Typetalk telephone relay service. [41350]

Mr. Andrew Smith: The New Deal Hotline which has been established as a point of contact for participants, employers, partners or providers who have a compliment or concern about New Deal, is available to deaf and hard of hearing people through the Textline number—0113 285 8654.

The Hotline is resourced by a minimum of two operators in each Employment Service region. These operators have been trained in the use of the Typetalk telephone relay service.

Supported Employment

Ms Keeble: To ask the Secretary of State for Education and Employment how much it would have cost to increase the capitation grant for supported employment placements by the same percentage as other benefit upratings for 1998–99. [41781]

Mr. Alan Howarth: The Supported Employment capitation grant is not a benefit paid directly to individuals. It is a subsidy paid to employers to help them with the costs of employing disabled people. It would therefore be misleading and inappropriate to apply the benefit uprating percentage to it.

Sheltered Employment

Ms Keeble: To ask the Secretary of State for Education and Employment how much is built into the budget assumptions for increasing the capitation grant for sheltered employment placements for 1999–2000. [41780]

Mr. Alan Howarth: There are no budget assumptions yet for 1999–2000.

Budgets for specific Departmental programmes will be finalised when the outcome of the Comprehensive Spending Review has been announced later in the year.

HEALTH

Human Placenta

Mr. McNamara: To ask the Secretary of State for Health (1) what health rules govern the use of human placenta for human consumption; what regulations cover the safe storage of human placenta for food purposes; and what advice is given to parents intending to use the placenta of their child for food purposes; [25222]

(2) what plans he has to regulate the sale of human placenta for human consumption. [25224]

Mr. Milburn: Medical and midwifery personnel are able to offer advice to mothers about this practice. We have no proposals for new regulation in this area.

Dental Services

Mr. Hogg: To ask the Secretary of State for Health how many NHS dentists practice in Lincolnshire; and what is the average number of people registered with each dental practitioner *(a)* in Lincolnshire and *(b)* nationally. [26542]

Mr. Milburn: There were 135 General Dental Service dentists on Lincolnshire Health Authority's list on 30 September 1997. At the same date the average number of registered patients per dentist was 2,597 in Lincolnshire and 1,599 in England.

NHS Trusts

Mr. Simon Hughes: To ask the Secretary of State for Health if he will list the forecast *(a)* amount and *(b)* percentage level of interest liability at the end of 1997–98 for each NHS health trust in operational deficit at the end of the second quarter of the year. [32392]

Mr. Milburn *[holding answer 5 March 1998]:* The forecast amount of interest payable for 1997–98 and the interest as a percentage of forecast income is disclosed in the table for trusts that at the end of Quarter 2 were forecasting operational deficits at the year end.

Name	*Interest payable £000*	*Interest as a percentage of income*
Countess of Chester hospital	1,886	3.33
North West London Mental Health	564	1.98
South Manchester University hospitals	3,258	2.10
St. James's & Seacroft University hospital	3,849	1.81
Swindon & Marlborough	1,505	2.21

Mr. Simon Hughes: To ask the Secretary of State for Health if he will list *(a)* the amount and *(b)* the percentage level of interest liability and to whom that interest is payable for each NHS health trust in operational deficit at the end of the second quarter of 1997–98. [32394]

Mr. Milburn *[holding answer 5 March 1998]:* The amount of interest payable at the end of Quarter 2 1997–98, and the interest as a percentage of income is disclosed in the table. The interest payable is almost entirely due to the Consolidated Loans Fund. National Health Service trusts are allowed to open commercial bank accounts and, subject to Departmental agreement, can use an overdraft facility. Trusts in the table marked with an asterisk have an overdraft at Quarter 2, but relevant interest payable is not separately identified in monitoring returns.

Trust name	*Interest payable £000*	*Interest as a percentage of income*
Durham County Ambulance Service	71	1.66
Epsom Health Care*	1,314	5.09
Good Hope Hospital	900	3.28
Lincolnshire Ambulance & Health Transport Service	179	3.39
Mount Vernon & Watford Hospitals	1,633	3.81
Newham Healthcare	683	2.42
North West London Mental Health	282	1.81
South Manchester University Hospitals	1,629	2.10
Swindon & Marlborough*	796	2.31
Warwickshire Ambulance Service*	58	2.00

Mr. Simon Hughes: To ask the Secretary of State for Health what is the forecast *(a)* annual income, *(b)* expenditure and *(c)* operational surplus or deficit at the end of the year of 1997–98 for each NHS trust based on their 1997–98 second quarter returns to the NHS Executive; and what is the forecast retained surplus or deficit for each trust at the end of 1997–98 based on these returns and taking account of (i) profit or loss on fixed assets, (ii) net interest receivable or payable and (iii) public dividend payable. [32395]

Mr. Milburn *[holding answer 5 March 1998]:* The information requested has been placed in the Library.

Health Authorities

Mr. Simon Hughes: To ask the Secretary of State for Health what is the forecast *(a)* annual income, *(b)* expenditure and *(c)* operational surplus or deficit at the end of the year of 1997–98 for each NHS health authority based on their 1997–98 second quarter returns to the NHS Executive. [32393]

Mr. Milburn *[holding answer 5 March 1998]:* Forecast annual income, expenditure and surplus or deficit at the end of the 1997–98 year based on the second quarter returns to the National Health Service Executive is given in a table, copies of which have been placed in the Library.

Ambulances (Avon)

Mr. Webb: To ask the Secretary of State for Health, pursuant to his answer of 10 March 1998, *Official Report*, column *115*, on Avon Ambulance Service NHS Trust, if

he will provide corresponding information on vehicle age for each of the other ambulance trusts for which his Department is responsible. [34562]

Mr. Milburn: The information requested is not routinely collected by the Department, and can be provided only at disproportionate cost. The information given for Avon Ambulance Service National Health Service Trust was available as a result of a special exercise conducted locally.

Guardian ad Litem Service

Mr. Hancock: To ask the Secretary of State for Health (1) what was the cost to each local authority in England and Wales of operating the Guardian ad Litem and Reporting Officer Service in each of the last three years; [31945]

(2) what was the average cost incurred by the Guardian ad Litem and Reporting Officer Service in each local authority area for work on behalf of courts in each of the last three years. [31944]

Mr. Boateng: For 1994–95 and 1995–96, the information requested, as supplied by local authorities in England, is available in the form of computer tables on the DH World Wide Web pages (Internet reference http:// www . open . gov . uk / doh / public / pss-stat . htm) separately for groups of LAs. For convenience a collated table will be placed in the Library.

Corresponding expenditure data for 1996–97 are not yet available. Data for Wales are the responsibility of my right hon. Friend the Secretary of State for Wales.

Information on the average cost incurred by the Guardian ad Litem and Reporting Officer Service in each local authority is not held centrally.

Funding Deficits

Mr. Simon Hughes: To ask the Secretary of State for Health if he will list the deficits of each *(a)* health authority and *(b)* health trust for the first quarter of the financial year 1997–98. [16716]

Mr. Milburn: *[holding answer 19 November 1997]:* The forecast surpluses and deficits for all health authorities and National Health Service trusts for the first quarter of 1997–98 are listed in tables, together with information for the second and third quarters. Copies of the tables have been placed in the Library.

As this is fast-track management information which provides a forecast estimate of the position at the end of the year, it is normal for movements to occur during the year.

Forecast income and expenditure figures do not always reflect the underlying financial position, and a large income and expenditure deficit does not necessarily indicate financial problems. There are a number of factors which should be taken into account when looking at the underlying financial position, for example:

- an NHS trust may make a charge to the income and expenditure account for provisions such as estimated clinical negligence liabilities and early retirement costs—even though actual payments are not made at this time. In accordance with Generally Accepted Accounting Practice (GAAP), these provisions are made in respect of future liabilities; and any deficit caused by charging them to the income and expenditure account now is therefore not necessarily indicative of underlying financial problems;
- a health authority which lent (brokered) cash to another health authority in 1996–97 will be repaid this year. Consistent with GAAP, this repaid cash will not score as income on the health authority's income and expenditure account. Any income and expenditure deficit caused by spending repaid brokerage would not necessarily indicate underlying financial problems;
- a health authority or NHS trust in receipt of transitional funding may have a balanced position or even an income and expenditure surplus.

Mr. Simon Hughes: To ask the Secretary of State for Health which trusts were placed on a red light status in relation to their finances in each region in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [17338]

Mr. Milburn *[holding answer 24 November 1997]:* National Health Service trusts are placed on a red light status when the NHS Executive has concerns over their financial performance. The assessment is based on current and forecast financial positions and is subject to change throughout the year.

Information for 1996–97 Quarter 4 has previously been placed in the Library but is included here for completeness. The analysis of red lights by region is provided for Quarter 4 1995–96, Quarter 4 1996–97 and Quarter 3 1997–98 in a table, copies of which have been placed in the Library.

The criteria used for allocating red lights in 1995–96 and 1996–97 have been the subject of a previous reply I gave the right hon. Member for Flyde (Mr. Jack) on 31 July 1997, *Official Report*, column *617*. The criteria for 1997–98 have been changed to promote consistency and objectivity across the NHS. The financial criteria used for red lights in 1997–98 is an adjusted income and expenditure deficit of more than the lower of £1 million or 1 per cent. of turnover. Adjustments are made to the reported surplus or deficit to remove items which are not within the control of the trust management. These include clinical negligence provisions, early retirement provisions and compensating adjustments for losses on the disposal of assets. Where year to date performance indicates that trusts are likely to breach the criteria by the year end, regional offices light to the trust.

The assignment of red lights in 1997–98 is more mechanistic than in previous years. This has resulted in red lights being assigned because a trust has breached the financial criteria although the NHS Executive regional office may be satisfied that the trust has sound finances, a recovery plan is in place to deliver breakeven and it is delivering the expected benefits. This will generally result in more red lights reported in 1997–98 and as a comparison, an estimate of the number of red lights at Quarter 3 under the old criteria would be around 50 instead of the 74 under the new criteria.

Human Fertilisation and Embryology Authority

Mr. Leslie: To ask the Secretary of State for Health when he expects the sixth annual report of the Human Fertilisation and Embryology Authority to be published; and if he will announce changes in the membership of the Human Fertilisation and Embryology Authority. [14542]

Ms Jowell *[pursuant to her reply, 4 November 1997, c. 183]:* I am pleased to announce the following appointments of members, until 6 November 2000, made on behalf of the United Kingdom Health Ministers:

Professor David Barlow, Nuffield Professor of Obstetrics and Gynaecology and Head of Department at the University of Oxford; and Honorary Consultant in Obstetrics and Gynaecology at the Oxford Radcliffe Hospital, Oxford;

The Right Reverend Dr. Michael James Nazir-Ali, Bishop of Rochester; previously General Secretary of the Church Mission Society;

Mrs. Moira Elaine Coath, solicitor, non-executive Director of Dorset Healthcare National Health Service Trust; previously Chair of CHILD, a registered charity which provides advice, assistance and support to those suffering from, or with an interest in, infertility.

The new appointments have been made in accordance with guidance issued by the Commissioner for Public Appointments.

Cancer Treatment

Mr. Maples: To ask the Secretary of State for Health what estimate he has made of the level of staff in oncology departments over the next two years. [41541]

Mr. Milburn: Estimating the level of staff in oncology departments is for local health service employers to determine in the light of local needs and priorities.

Tooth Extractions

Mr. Gordon Prentice: To ask the Secretary of State for Health, pursuant to his answer of 6 May 1998, *Official Report*, columns *421–22*, if he will rank by health authority the number of tooth extractions per 1,000 persons aged under 18 years. [41588]

Mr. Milburn: A table ranking health authorities in England in ascending order on the basis of the number of teeth extracted in the General Dental Service in 1997 per 1,000 population for children aged under 18 has been placed in the Library. Also shown in the table are the number of teeth extracted.

Antibiotics

Mr. Flynn: To ask the Secretary of State for Health what action he proposes to reduce the use of antibiotics within the health service. [41616]

Mr. Milburn: The Standing Medical Advisory Committee is reviewing the clinical use of antibiotics. It is due to report in July. We shall also be taking account of the recommendations of the recent report of the House of Lords Committee on Science and Technology into antibiotic resistance.

Health Service Pay

Mr. Cousins: To ask the Secretary of State for Health how many staff in the National Health Service *(a)* are and *(b)* are not employed on terms set by pay review bodies; and if he will make a statement on the annual pay rises for 1998–99 to be awarded to each group of workers. [41479]

Mr. Milburn: At September 1996, there was an estimated 435,000 (whole time equivalents) staff employed by the National Health Service hospital and community health services in England whose pay is subject to recommendations of the review bodies, and 329,000 (whole time equivalents) non-review body staff.

Hospital and community health service doctors and dentists received an increase of 2 per cent. from 1 April 1998 and will receive a further 2.2 per cent. from 1 December 1998. An additional 0.35 per cent., as recommended by the Doctors and Dentists Review Body last year, was also paid from 1 April 1998.

Nurses and the professions allied to medicine have been offered 2 per cent. from 1 April 1998 with a further 1.8 per cent. from 1 December 1998.

Non-review body staff are being offered a pay rise which matches the award to nurses and the professions allied to medicine.

Methicillin-resistant Staphylococcus Aureus

Mr. Cousins: To ask the Secretary of State for Health, pursuant to his answer to the hon. Member for Newport, West (Mr. Flynn) of 5 May 1998, *Official Report*, columns *352–53*, if he will list the hospitals in rank order of their incidence of MRSA. [41512]

Mr. Milburn: No complete records are held on incidents of methicillin resistant *Staphylococcus aureus* in individual hospitals. Data on the occurrence of MRSA, compiled by the Public Health Laboratory Service are derived from isolates submitted voluntarily by hospitals in England and Wales for specialist laboratory tests.

The number of isolates of MRSA received from individual hospitals depends on local screening policies and on the case mix of patients. Isolates arise both from cases colonised by the organism and from those suffering with an infection due to the organism.

Written Answers to Questions

Thursday 14 May 1998

ENVIRONMENT, TRANSPORT AND THE REGIONS

Biodiversity Convention

Mr. Dafis: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the aims of the Government at the Conference of the Parties to the Biodiversity Convention meeting in Bratislava. [41455]

Mr. Meacher: The UK, along with other Member States of the European Union, has already taken steps to implement the CBD at a national and European level. We are pressing for this Conference to agree further action at all levels in a number of areas. These include decisions on: inland water ecosystems; marine and coastal ecosystems; agricultural biodiversity; forests; benefit sharing; and the Biosafety Protocol. We are also striving to improve the operation of the Convention so that it becomes a much more effective force in the world. I represented the UK at a ministerial Roundtable at the start of negotiations which made recommendations on private sector activities, sustainable tourism, and the integration of biodiversity into policy decisions.

Rail Safety

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for each year since its creation the number of warning letters issued by HM Railway Inspectorate to Railtrack plc. [41564]

Ms Glenda Jackson: The Health and Safety Executive's (HSE's) Railway Inspectorate advise that the information requested is not held centrally and could be provided only at disproportionate cost.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for each year since its creation prosecutions taken by HM Railway Inspectorate against Railtrack plc. [41563]

Ms Glenda Jackson: The Health and Safety Executive's (HSE's) Railway Inspectorate has initiated two prosecutions against Railtrack plc since its creation. The first followed an electrical burns incident at Hatton in Warwickshire on 24 July 1995. Railtrack pleaded not guilty but were found guilty. The second prosecution followed a derailment at Bexley on 4 February 1997. This is expected to be heard on 26 May 1998.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will place in the Library a copy of the letter issued by HM Railway Inspectorate to Eurotunnel as detailed in Paragraph 63 of the Annual report of the Channel Tunnel Safety Authority 1996–97. [41560]

Ms Glenda Jackson: It is not the practice of Her Majesty's Railway Inspectorate to make public the contents of private correspondence with duty holders.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will place in the Library a copy of the report produced by the Rail Safety and Technology Working Group relating to signals passed at red in the Channel Tunnel. [41559]

Ms Glenda Jackson: I am not in a position to do so.

This report was a working document produced by the Rail Safety and Technology Working Group to inform the Safety Authority and contains information supplied by Eurotunnel. Disclosure would be a breach of Clause 33 of the Concession Agreement of 1986 concerning intellectual property and confidentiality.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the main contractors employed by Railtrack to undertake maintenance work, and the names of any contractors or sub-contractors removed from any approved lists since the creation of Railtrack. [41568]

Ms Glenda Jackson: This is a commercial matter for Railtrack.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for each year since its creation the number of occurrences where unqualified staff or contractors have been found undertaking work on railway property on behalf of Railtrack plc. [41566]

Ms Glenda Jackson: The Health and Safety Executive has no records of the numbers of such occurrences.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for each of the last five years the number of derailments officially notified to HM Railway Inspectorate and the train operating companies involved. [41567]

Ms Glenda Jackson: I refer my hon. Friend to the answer I gave to my hon. Friend the Member for Harrow, West (Mr. Thomas) on 7 May 1998, *Official Report*, columns *441–42*.

Water Quality

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to introduce a comprehensive requirement for secondary treatment to be provided for significant sewage discharges to high natural dispersion areas; and what estimate he has made of the cost. [42033]

Angela Eagle: Under the Urban Waste Water Treatment Directive, secondary treatment of sewage discharges is the norm but coastal discharges may receive primary treatment if comprehensive studies establish that there would be no adverse environmental effect. We are, however, very aware of the concerns being expressed by

those who are not convinced that anything less than secondary treatment will afford the necessary level of environmental protection and are giving further consideration to the Government's policy options. Decisions will have to be taken in the context of the current Periodic Review of water company price limits, which is the process of balancing the environmental obligations to be placed on water companies in England and Wales with the consequent effect on water bills.

Genetically Modified Organisms

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will place in the Library the programme of development work within the terms of paragraph 6 of the Annexe to the Commission Decision 94/730/EC of 4 November 1994 in respect of GMO release consent reference 95/R13/6. [42091]

Angela Eagle: The programme of development work for GMO release consent reference 95/R/13/6, to which the hon. Member refers, is entirely covered by information which was supplied in support of that particular application for a release consent, which was made under the first simplified procedure regulated by Commission Decision 94/370/EC. This information, as with all release applications in the UK, can be viewed either on the public register at Ashdown House, Department of the Environment, Transport and the Regions or at the relevant Regional Office in the vicinity of the release. Details can also always be requested from the Biotechnology Unit, Department of the Environment, Transport and the Regions.

The information available includes details of the risk assessment; the sites of the releases; the conditions of the releases; and, in fact, all the other information contained on the file which has not been deemed to be commercially confidential. Therefore, as this information is freely and widely available, I do not consider it appropriate to put the programme of development work for GMO release consent reference 95/R/13/6 into the Library.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what statutory provisions govern the conduct of tests and trials in respect of genetically modified seeds; and if he will make a statement. [41517]

Angela Eagle: All releases of GMOs into the environment are subject to Part VI of the Environmental Protection Act 1990 and the Genetically Modified Organisms (Deliberate Release) Regulations 1992 as amended (1995 and 1997). Accordingly, genetically modified seeds can enter trials and tests only if they have been granted a consent by the Secretary of State. The conduct of each trial is subject to the limitations and conditions of the consent in addition to the general conditions set out in section 112 of the Environmental Protection Act 1990 in respect of GMOs, and the general conditions relating to National List Trials for any seed.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will prevent planting of genetically engineered maize at Hood Barton, near Totnes in Devon, to avoid possible contamination of the neighbouring organic farm. [42089]

Mr. Meacher: Even if sown now, the genetically modified crop will not be in a condition to produce pollen until July at the earliest and there is therefore no need to prevent planting. If in the light of any new information it appears necessary to terminate the trial this can and will be done before the flowers produce pollen.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if companies releasing genetically modified organisms into the environment are required to pay for post-release monitoring, including the effects within the wider biological environment. [41481]

Angela Eagle: Companies holding a consent to release a genetically modified organism are required to pay the full costs of all monitoring of the release, annual subsistence charges to cover inspection by Health and Safety specialist inspectors, and any enforcement costs.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has *(a)* to improve public participation in and *(b)* to increase the transparency of the regulatory procedure for consenting to the release of GMOs. [42090]

Angela Eagle: The Government are currently considering several options to improve public participation in, and transparency of, the regulatory procedure for consenting to the release of GMOs. First, in connection with the forthcoming quinquennial review of the Advisory Committee on Releases into the Environment, the Government will be considering how the deliberations of this Committee might be made more transparent.

Secondly, the Department of Trade and Industry is preparing to undertake a substantial public consultation exercise on the wider—including ethical—issues raised by recent advances in the biosciences, one aspect of which is likely to be the regulatory procedures.

Thirdly, the Government are also looking at improving and increasing the information they place on the Internet in relation to the regulatory procedure for consenting to the release of GMOs, and in doing so, hope to allow greater access to this information. It should also be noted that the current regulatory procedure is already extremely open, with the public able to have access to most of the information supplied in release consent applications.

Speed Limits

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to the answer to the hon. Member for Hazel Grove (Mr. Stunell), of 11 February 1998, *Official Report*, column *228*, when he expects to *(a)* publish and *(b)* implement secondary legislation in respect of 20 mph speed limits. [42111]

Ms Glenda Jackson: Consultation on the details of a new system for making 20 mph speed limits was launched on 12 May. Copies of the paper detailing and seeking

comments on the proposal have been placed in the Library of the House. Subject to the views of consultees, we will bring forward secondary legislation as soon as possible.

Parish, Beverley

Mr. Cran: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to table an order giving effect to the decision to establish a parish for Beverley. [41909]

Mr. Raynsford: We intend to consult shortly on a draft of an Order establishing a parish for Beverley. Our intention is to make the Order, which is not subject to parliamentary procedure, to enable elections for the new parish council to be held in May 1999.

Packaging Waste

Mr. Gibb: To ask the Secretary of State for the Environment, Transport and the Regions when he will publish the report and recommendations of the review by the Advisory Committee on Packaging of the Producer Responsibility Obligations (Packaging Waste) Regulations 1997. [41851]

Angela Eagle: The Advisory Committee on Packaging will complete its review of the Producer Responsibility Obligations (Packaging Waste) Regulations 1997 at the end of May. Their report and recommendations to Ministers will be available, as before, to members of the public. A copy will be placed in the Library.

Contaminated Land

Mr. Etherington: To ask the Secretary of State for the Environment, Transport and the Regions if support will be given in the current financial year to English local authorities and to the Environment Agency to meet the capital costs of dealing with contaminated land. [42344]

Angela Eagle: The Department is continuing the Contaminated Land Supplementary Credit Approval programme this financial year with a budget of £15 million. It provides support for English local authorities for the capital costs they incur in dealing with contaminated land. The programme also supports, in the form of additional grant-in-aid, the Environment Agency where it is carrying out works to deal with water pollution caused by contaminated land.

Most authorities with on-going contractual commitments for projects funded in previous years have already received notification that support will be available. The Department of the Environment, Transport and the Regions has decided many of the bids it has received to date for new projects and has written today to the successful authorities and to the Environment Agency notifying them of the financial allocations which are being made.

The Department is discussing some bids with the authorities concerned and expects to make some further allocations. It will also decide new bids when they are received.

The table sets out the allocations which have been made so far this current financial year.

£

Local authorities	*Number of sites*	*Total allocation*
Ashford BC	1	50,000
Bexley LB	1	50,000
Blackburn with Darwen BC	4	115,500
Bury MBC	2	202,631
Calderdale MBC	1	300,000
Cheshire CC	3	23,950
Chorley BC	2	179,000
Colchester BC	1	12,125
Cornwall CC	1	18,000
Croydon LB	5	112,000
Cumbria CC	1	536,408
Darlington	1	250,000
Devon CC	5	368,300
Dudley MBC	1	79,200
Durham CC	1	10,000
East Sussex CC	1	40,000
Essex CC	2	175,000
Greenwich LB	1	10,000
Guildford BC	4	31,940
Hampshire CC	2	567,000
Harrogate BC	1	19,000
Havering LB	1	28,000
Herefordshire C	1	25,000
Hounslow LB	8	182,523
Isle of Wight C	1	10,000
Kent CC	1	60,000
Knowsley MBC	1	114,000
Lancashire CC	1	106,000
Leicester City	5	535,000
Leicestershire CC	2	33,100
Maidstone BC	1	30,000
Merseyside WDA	3	33,000
Middlesbrough BC	1	464,000
Newcastle City	3	793,550
Newham LB	1	23,200
Norfolk CC	1	60,000
Northamptonshire CC	2	520,000
North East Lincolnshire C	1	354,450
North Lincolnshire C	1	185,000
Norwich City	1	73,400
Nottingham City	1	57,000
Nottinghamshire CC	1	9,000
Nuneaton and Bedworth BC	5	115,000
Oldham MBC	1	70,000
Oxford City	1	26,000
Oxfordshire CC	1	15,000
Plymouth City	2	153,800
Portsmouth City	6	198,000
Preston BC	1	316,750
Redbridge LB	1	10,500
Rotherham MBC	3	77,800
Sandwell MBC	16	524,572
Sheffield City	1	35,530
Shropshire CC	1	44,000
Solihull MBC	1	522,876
South Holland DC	1	39,500
Staffordshire CC	1	55,500
Surrey CC	6	32,500
Tameside MBC	2	35,000
Trafford MBC	6	677,750
Wakefield MDC	1	15,000
Warrington BC	1	16,550
Warwickshire CC	1	377,000
Worcestershire CC	1	42,930
Environment Agency	9	1,294,650

WALES

Cattle Passports

Mr. Barry Jones: To ask the Secretary of State for Wales how many cattle passports are issued each week by his Department; and if he will make a statement. [40658]

Mr. Win Griffiths: On average Welsh Office Agriculture Department Divisional Offices issue 1,890 cattle passports each week.

Public Appointments

Mr. Öpik: To ask the Secretary of State for Wales how many and what proportion of his Department's appointees to non-departmental public bodies are aged *(a)* under 25, *(b)* 25 to 30 and *(c)* 31 to 35 years. [40733]

Mr. Ron Davies: Of the 625 people in appointments for which I have either sole or joint responsibility none are aged under 25; 3 (0.5%) are aged between 25 and 30; and 4 (0.6%) are aged between 31 and 35 as at 5 May 1998.

I am keen to encourage applications for public appointments from a wide range of candidates who are representative of the communities they serve, which includes young people. All appointments are made on merit. Candidates must demonstrate that they meet the criteria set out for each appointment, including the relevant skills and experience.

Coal Mining

Mr. Edwards: To ask the Secretary of State for Wales when he plans to announce the results of the review into planning policy for opencast coal in Wales; and if he will make a statement. [41645]

Mr. Win Griffiths: Responses to the 1997 Consultation Paper are currently being analysed. I should soon be in a position to announce the way in which the review of opencast coal planning policy guidance in Wales will be taken forward.

Mr. Edwards: To ask the Secretary of State for Wales if he will conduct a full review of Minerals Planning Guidance Note 3, on coal mining and colliery spoil disposal, in conjunction with the present review of energy policy in Wales. [41644]

Mr. Win Griffiths: The review of UK energy policy is underway. In parallel with that review, consideration will be given to the review of Minerals Planning Guidance Note 3.

NHS Trusts

Mr. Barry Jones: To ask the Secretary of State for Wales how many representations he has received concerning his plans to restructure NHS Trusts in Wales; and if he will make a statement. [41648]

Mr. Win Griffiths: I have received 2,843 letters and 15,114 petition signatures in respect of plans to restructure NHS trusts in Wales. In March, I announced a proposed new shape of trusts on which formal consultation will take place over the summer. Consultation documents are currently being prepared for each Health Authority area in Wales. These will explain the proposed changes in detail and the benefits for patients which are expected to arise as a result of the proposed changes. The consultation period is planned to start in early June and will last for three months. All comments received as part of this process will be considered before the Secretary of State makes his final decision in the Autumn.

National Assembly

Mr. Barry Jones: To ask the Secretary of State for Wales when he expects to appoint the Standing Orders Commission in preparation for the opening of the Assembly for Wales. [41650]

Mr. Ron Davies: I expect to appoint the Standing Orders Commission in the Summer, subject to Royal Assent to the Government of Wales Bill.

Mr. Gareth Thomas: To ask the Secretary of State for Wales when he proposes to publish a further draft of the Transfer of Functions (National Assembly for Wales) Order; and if he will make a statement. [42425]

Mr. Ron Davies: I have published a second draft of the order today and have placed copies in the Library of the House. I will be publishing a full draft in the autumn for consultation.

Public Health

Mr. Flynn: To ask the Secretary of State for Wales what measures he proposes to take to improve public health in Wales. [42216]

Mr. Win Griffiths: Today I have launched the public health Green Paper, "Better Health—Better Wales" which takes account of Government aims to tackle the underlying causes of ill-health by identifying a wide range of social, economic and environmental factors which impact on health. The paper proposes a broad range of areas where new and concerted action could make a significant difference to health and well-being. It addresses the implications of issues specific to Wales, including the significant health inequalities, the reforms proposed in the Wales NHS White Paper and the preparations for the National Assembly for Wales.

"Better Health—Better Wales" has drawn on advice from both the Welsh Office and a wide range of key organisations in the public and voluntary sectors. The purpose of the forthcoming consultation period is to engage as many as possible in debate about the best ways to improve people's health in Wales. We hope that individuals, community leaders, employers and those responsible for services will participate.

The Welsh Office will publish an Action Plan in Autumn 1998 based on the framework outlined in this document and informed by responses to the consultation.

PRIME MINISTER

Nuclear Material (Reprocessing)

Mr. Llew Smith: To ask the Prime Minister if he will list the international agreements which prohibited the Government from giving advance notice to the House of

the recent transport of enriched uranium to Dounreay from Georgia; and what advice was taken on the interpretation of the relevant agreements. [40644]

The Prime Minister: The Convention on the Physical Protection of Nuclear Material requires states who are parties to take measures to protect the confidentiality of information relating to the international transportation of nuclear material of the type imported from Georgia. The United Kingdom also follows the internationally agreed guidance in the document "The Physical Protection of Nuclear Material" published by the International Atomic Energy Agency. This recommends that advance knowledge of transport information should be limited to the minimum number of persons necessary. Advice on these international requirements and recommendations is routinely sought from the Director of Civil Nuclear Security who is the designated central authority for the UK on the physical protection of nuclear material, under the Convention. Furthermore, in this particular case, as I told the House on 22 April 1998, *Official Report*, column 818, it would have been most unwise to draw attention to the existence of this material before it could be secured and safely removed from Georgia.

Strategic Communications Unit

Mr. Malcolm Bruce: To ask the Prime Minister what is the purpose of the Strategic Communications Unit; if he will list the unit's employees; if he will estimate the annual cost of the unit; and if he will make a statement. [41115]

The Prime Minister *[holding answer 11 May 1998]:* I refer the hon. Member to the answer I gave to my hon. Friend the Member for Birmingham, Erdington (Mr. Corbett) on 14 January 1998, *Official Report*, columns *233–34*, and to the answer I gave to the hon. Member for Lewes (Mr. Baker) on 20 January 1998, *Official Report*, column *484*. In addition, the Unit has been responsible for the launch of the No.10 website.

Security Services (Software)

Mr. Baker: To ask the Prime Minister what steps are being taken to ensure that software used by the security services obtained from outside the United Kingdom does not contain trapdoors, allowing unauthorised access to sensitive information. [41193]

The Prime Minister *[holding answer 8 May 1998]:* In common with other Government Departments, the intelligence and security services, when procuring software to process sensitive information, evaluate it against criteria which include its ability to deny unauthorised access.

LORD CHANCELLOR'S DEPARTMENT

Judicial Appointments

Mr. Gordon Prentice: To ask the Parliamentary Secretary, Lord Chancellor's Department when he intends to publish his annual report on judicial appointments. [41226]

Mr. Hoon: As indicated by the Lord Chancellor in his statement of 9 October 1997, the first Annual Report to Parliament on the operation of the judicial appointments system will cover the period April 1998 to March 1999. It will contain statistics and information about judicial appointments made during that period and will be published in the summer of 1999.

Magistrates

Helen Jones: To ask the Parliamentary Secretary, Lord Chancellor's Department what plans he has to review the level of compensation for loss of earnings provided to magistrates. [41862]

Mr. Hoon: The payment of financial loss allowances to magistrates is governed by the provisions of Section 10 of the Justices of the Peace Act 1997 and the Justices' Allowances Regulations 1976. The rates are reviewed annually and new rates will be introduced in September 1998. Responsibility for decisions on individual claims rests with the local paying authorities.

Helen Jones: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will conduct an assessment of the ways in which magistrates can be assisted with child care costs; and if he will make a statement. [41863]

Mr. Hoon: Under Section 10(1)(b) of the Justices of the Peace Act 1997, magistrates are entitled to receive payments by way of Financial Loss Allowance for loss of earnings and any other expenditure incurred as a result of performing the duties of a Justice of the Peace. This can include claims for the cost of child care. Allowance is subject to the specified maximum limit.

Helen Jones: To ask the Parliamentary Secretary, Lord Chancellor's Department what steps he is taking to ensure that employers give support to employees who wish to become magistrates. [41864]

Mr. Hoon: The Lord Chancellor's Department is working with the Magistrates Association on a project directed at encouraging employers to release staff to serve as magistrates. In addition, the Lord Chancellor has commissioned the Central Office of Information to advise him on ways in which he may secure the support of employers in releasing staff to serve as magistrates.

HOUSE OF COMMONS

Portcullis House

Mr. Wigley: To ask the Chairman of the Accommodation and Works Committee how the building of Portcullis House has been funded; to which Vote on Account the expenditure is being charged; what was the original estimated cost of this building; and what is the estimated final outcome cost. [41080]

Sir Sydney Chapman *[holding answer 11 May 1998]:* The House of Commons Commission approved the final sketch design estimate in 1993 at the prices then prevailing with an allowance forecasting the possible rate of inflation in construction costs until the work is completed. Since 1993 changes to the brief and the cost

of the delayed handover of the site by London Underground Ltd. have accounted for the difference between the 1993 forecast of £219m and the current figure of £250m. The work is funded from Class 18A Vote 2, House of Commons Works Services.

DUCHY OF LANCASTER

Security Facilities Executive

Mr. Heppell: To ask the Chancellor of the Duchy of Lancaster if he has made a decision on the future of the Security Facilities Executive. [41926]

Mr. Kilfoyle: I have decided that SAFE is no longer a financially viable organisation, and that it should cease to be an executive agency from 1 July. From that date, its services will be provided from within the Cabinet Office (Office of Public Service), with a view, thereafter, to transferring SAFE's essential functions and associated staff to the other Government Departments as soon as it is practicable to do so. I also propose that over the next three years its remaining services should be run down. This process will be completed no later than 31 March 2001.

This decision is, I believe, the one which best meets my three criteria of:

maintaining the security requirements of customers;

safeguarding the interests of staff; and

ensuring that the principle of value for money is maintained.

CULTURE, MEDIA AND SPORT

British Library

Mr. Burstow: To ask the Secretary of State for Culture, Media and Sport if he will publish the memoranda negotiated by the then Secretary of State of the Department of National Heritage relating to the purchase of the freehold property near Chancery Lane formerly known as the Great Seal Patent Office and Library by the British Library. [40144]

Mr. Fisher: The Minute which transferred the freehold of 25 Southampton Buildings, London WC2, from the Department of National Heritage to the British Library was laid before the House by the then Secretary of State on 4 July 1996. It is available in the Library of the House.

Mr. Burstow: To ask the Secretary of State for Culture, Media and Sport what the costs of the development of the British Library's INSIDE CD-ROM products have been since 1984; and how much sales revenue has been generated from these products. [40112]

Mr. Fisher: A series of four inside current awareness CD-ROMs have been published since 1993. The total development costs and revenues relating to them are:

Total development costs: £127,000

Total revenue: £684,125.

Mr. Burstow: To ask the Secretary of State for Culture, Media and Sport if he will list the contracts with publishers which the British Library has entered into (i) by value and (ii) by publisher in the last 10 years. [40135]

Mr. Fisher: I have placed in the Library of the House a list of such contracts which the British Library has entered into over the last ten years and their respective values.

Mr. Burstow: To ask the Secretary of State for Culture, Media and Sport what the costs of the British Library's digital library programme are for the current year; what they are estimated to be in future years; and how many British Library staff are presently engaged in the programme. [40131]

Mr. Fisher: The cost of the British Library's digital library programme for the current year is planned at £639,000. The costs for future years are projected to decline as follows:

1999–2000: £488,000

2000–2001: £388,000

2001–2002: £388,000.

There are eight staff dedicated to the digital library programme.

HOME DEPARTMENT

Visitor Visas

Mr. Pike: To ask the Secretary of State for the Home Department what recent representations he has received on visitors' visa applications and the introduction of an appeal procedure. [41594]

Mr. Mike O'Brien: I have received no recent representations on visitors' visa applications and the introduction of an appeal procedure. We are committed to introducing a streamlined right of appeal for visitors refused a visa.

Mr. Pike: To ask the Secretary of State for the Home Department what his timetable is for the introduction of an appeal procedure in relation to visitors' visa applications; and if he will make a statement. [41595]

Mr. Mike O'Brien: Our manifesto commits us to introducing a streamlined right of appeal for visitors refused a visa. We are considering the options for achieving this and we will make an announcement as soon as possible.

Firearms

Mr. Martyn Jones: To ask the Secretary of State for the Home Department how many handguns are held as personal protection weapons in each region of the United Kingdom. [41797]

Mr. Michael: In England, Scotland and Wales there are no handguns held as personal protection weapons. Handguns are prohibited under the terms of section 5 of the Firearms Act 1968 (as amended) and as such may be held only with the express authority of the Secretary of State. It is not the policy to issue that authority for firearms for personal protection.

In Northern Ireland, handguns for personal protection may be held on certificates issued by the Chief Constable of the Royal Ulster Constabulary. Currently, there are some 9,800 handguns so held. Certificates are granted only to those people the chief officer believes to be under serious threat of terrorist attack and are not granted for the protection of money or property. As the threat of terrorist violence recedes, the number of firearms held for this purpose is expected to decline.

Drugs

Mr. Flynn: To ask the Secretary of State for the Home Department what assessment he has made of the current level of repeat offending for drug offences involving *(a)* possession of cannabis, *(b)* dealing in cannabis, *(c)* possession of ecstasy, *(d)* dealing in ecstasy, *(e)* possession of heroin and *(f)* dealing in heroin. [41618]

Mr. George Howarth: The most recently available relevant information relates to reconvictions in samples of prisoners discharged from prison in 1994 and of offenders commencing community penalties in 1994.

The source of this information on reconvictions is the Home Office Offenders Index. This does not contain information on cautioning of offenders. It should be borne in mind that this information relates to reconviction rather than reoffending and is restricted to offenders who have been sentenced to custody or a community penalty.

Original offence[1,2]	*Total sampled*	*Percentage reconvicted for any offence*[3]	*Percentage reconvicted for any drugs offence*
Numbers and two year reconviction rates for drug offences for prisoners discharged in 1994			
Dealing in cannabis	678	34	18
Dealing in ecstacy (MDMA)	120	28	13
Possession of heroin	172	64	32
Dealing in heroin	125	35	18
All drugs offences	2,722	37	17
Numbers and two year reconviction rates for drug offences for offenders commencing community penalties[4] *in 1994*			
Other drugs offence	511	49	27
Dealing in cannabis	190	41	25
Possession of heroin	250	65	33
All drugs offences	1,000	51	28

[1] Figures are given only for categories of offence where there were at least 50 offenders in either sample whose original offence was possession of cannabis. Possession with intent to supply has been included in dealing offences

[2] The original offence is based on the most recent offence recorded prior to discharge from prison. The data for the detailed categories of drugs offence relate to those sentenced from 1 January 1993, the date on which the categories presented here were first used

[3] Reconviction for a standard list offence. This includes all indictable and some of the more serious summary offences

[4] This sample was drawn from offenders commencing probation, community service and combination orders

Licensing Hours

Mr. Hoyle: To ask the Secretary of State for the Home Department what assessment he has made of the advantages of harmonising licensing hours across continental Europe. [42038]

Mr. George Howarth: I have not considered such a proposition. On 5 May, I announced a review of liquor licensing law for England and Wales. This will take appropriate account of experience elsewhere in Europe.

Animal Experiments

Mr. Baker: To ask the Secretary of State for the Home Department, pursuant to his answer of 6 April 1998, *Official Report*, column *26*, what were the exceptional and specific justifications established for the use of wild-caught baboons in regulated procedures since 1996. [42113]

Mr. George Howarth: The wild-caught baboons are used in important heart xenotransplantation research. Baboons are used because of their physiological similarity to humans and because primates of a particular size (over 6kg) are essential. Extensive efforts have been made, by the research team, to find suitable sources of captive-bred baboons, but captive-bred animals are not available in sufficient quantities.

All applications to use wild-caught primates are referred to the Animal Procedures Committee. In this case, the Committee advised in 1994 that there was justification for allowing their use. The Committee has closely monitored and reviewed the work involving these baboons since the licence was granted.

Mr. Baker: To ask the Secretary of State for the Home Department (1) if he discharged the transgenic pigs exported by their owners Imtran for use in experimentation in Holland from the protection of the Animals (Scientific Procedures) Act 1986; and if he will make a statement; [42076]

(2) how many animals intended for use in experiments were exported, and to which countries, for the latest year for which figures are available; [42112]

(3) what controls his Department exercises in the regulation of the export of animals for intended use in experiments. [42075]

Mr. George Howarth: The export and transportation of animals is primarily a matter for the Ministry of Agriculture, Fisheries and Food. The Home Office does not keep central records of the number of animals exported, nor the purpose for which they were exported.

Animals which have been used in scientific procedures must be discharged from the controls of the Animals (Scientific Procedures) Act 1986 before they can be exported. We have authorised the discharge of transgenic pigs from the controls of the Act so that they might be exported to Holland. This authorisation was contingent upon a number of conditions, aimed at ensuring animal welfare, being met. These required, inter alia, that a veterinary certificate of fitness to travel be obtained and that only those animals which are unlikely to suffer adverse effects be exported. Any unexpected adverse effects experienced by the animals must also be reported to the Home Office.

WPC Fletcher

Mr. Dalyell: To ask the Secretary of State for the Home Department, pursuant to his oral answer of 11 May 1998, *Official Report*, column 3, what response he has received from the Foreign Secretary in response to his letter relating to the latest position on the police investigation into the death of WPC Fletcher. [42086]

Mr. Straw: I minuted my right hon. Friend the Foreign Secretary on 20 April. The purpose of my minute was to inform him of the latest position on the police inquiries and to bring to his attention those concerns raised by my hon. Friend on 30 March 1998, *Official Report*, column 887, which relate to the Foreign Secretary's responsibilities. As such, my minute did not require a reply.

Police Surgeons

Helen Jones: To ask the Secretary of State for the Home Department, pursuant to his answer of 24 February 1998, *Official Report*, column *181*, if he will make a statement on his discussions with ACPO and the BMA on the problem of police surgeons refusing to carry out intimate body searches on those suspected of carrying drugs. [41884]

Mr. Michael: On 17 April representatives from the Association of Chief Police Officers (ACPO) Drugs Committee, the British Medical Association, the Association of Police Surgeons and the Medical Defence Union met Home Office officials to discuss the difficulties encountered by some police forces in getting doctors to carry out intimate body searches for concealed drugs. It emerged that information and understanding on all sides needs to be improved: the information from police forces about the number of times they would like an intimate search to be carried out but encounter problems is unreliable; but also the understanding of many police surgeons about the full legal and ethical issues involved is unclear. A number of helpful action points aimed at taking matters forward were agreed at the meeting. These include ACPO asking police forces to review their statistics of intimate searches to provide fuller information and the medical bodies reviewing their current guidance and reconsidering the ethical issues. A further meeting to take stock of progress is planned for the autumn.

SOCIAL SECURITY

Winter Fuel Payments

Mr. Swayne: To ask the Secretary of State for Social Security how many pensioner households received double the proper payment under the Pensioner Fuel Bills Special Payment Scheme. [39853]

Mr. Denham: Winter Fuel payments are one of a number of initiatives the Government have taken to help vulnerable people, especially the elderly, keep warm in the winter. A total of £400 million has been committed for two years (97/98 and 98/99), to help pensioners with fuel bills to pay. This is the first time any Government have provided additional help with heating costs to all pensioners living in the United Kingdom who receive a Retirement Pension or one of a number of other qualifying benefits.

The making of this year's payments has been an enormous and unprecedented exercise. In order to establish all eligible pensioners, correctly identify pensioner households, and determine the amount each should receive, it was necessary to correlate data in around 15 million computer records, involving 15 qualifying benefits, across nine computer systems. Overall, almost ten million pensioners, in over seven million households, have received a payment.

The administration of Winter Fuel Payments is a matter for Peter Mathison, the Chief Executive of the Benefits Agency. He will write to the hon Member.

Letter from Peter Mathison to Mr. Desmond Swayne, dated 13 May 1998:

The Secretary of State has asked me to reply to your recent parliamentary question asking how many pensioner households received double the proper payment under the Winter Fuel Payment Scheme.

The making of Winter Fuel Payments to almost ten million eligible pensioners, in over seven million households, before the end of March 1998 has been a challenging task for the Benefits Agency (BA). This was achieved whilst maintaining normal benefit business.

Around one and a half million of the poorest pensioners, those receiving Income Support (IS) or income-based Jobseeker's Allowance (JSA(IB)), received their payment of £50 during January. Almost eight and a half million other eligible pensioners, for example those in receipt of state Retirement Pension, were issued with a payment of £20 or £10. The issue of these payments was completed by 24 March 1998.

So far we are aware of 645 eligible pensioners who received two £50 payments. This includes 211 who erroneously received two payments due to being in receipt of both Income Support and income-based Jobseeker's Allowance for at least one day in the qualifying week. In accordance with the legislation only one payment should have been made. A further 434 pensioners cashed both an invalid and a replacement girocheque. Due to a computer operator error, 40,801 invalid girocheques were sent out with an incorrect date of issue. The error was quickly identified and all the invalid payments were replaced within 72 hours. The letter which accompanied the replacement apologised for the error and advised the recipient to destroy the invalid girocheque or if they had managed to encash it, to return the replacement to the nearest Benefits Agency office. It appears that in a small number of instances both the invalid and replacement girocheque were cashed. Action will be taken to write to each of those eligible pensioners who received £100 instead of £50 informing of the position and inviting repayment. In the case of the 434 invalid girocheques cashed by the Post Office, where repayment is not offered by any

of the eligible pensioners, in accordance with agreed contractual obligations and responsibilities, any balance will be sought from the Post Office.

No information is presently available on the other eligible pensioners who received either a £10 or £20 payment. To determine whether £20 or £10 was due it has been necessary to establish whether the pensioner lived alone. Where we identified they were the only eligible pensioner in a household they received £20; where they lived with other eligible pensioners each received £10.

Legislation requires that the decision whether £10 or £20 is due is based on information held within official Departmental records. All the £20 and £10 payments issued have therefore been based on information which originated from pensioners and is held within these official records.

We are aware from subsequent enquiries from some pensioners that the official records available and used by my Agency did not always accurately reflect the correct, current address details. For example, two eligible pensioners living at the same address have differing address details held in official records and despite expecting to receive £10 each, have received £20 each. Similarly, there will be pensioners who receive £10 but believe £20 is due. This will be because official records show the pensioner living at the same address as at least one other eligible pensioner, but they in fact are the only eligible pensioner in the household. In these circumstances they can apply to the BA for a review of the decision to pay £10.

However, even though we have subsequently updated the address details the payments themselves remain correct in accordance with the legislation. They have been made using official records which were in place at the time eligibility was determined. The legislation is framed in such a way that providing the payments made are supported by records held then there has not been an incorrect payment.

We are therefore not aware of any £10 or £20 payments that have been made in error.

Thank you for the opportunity to explain the position.

INTERNATIONAL DEVELOPMENT

Commonwealth Development Programmes

Sir Alastair Goodlad: To ask the Secretary of State for International Development what discussions she has held about the proportion of *(a)* the Commonwealth Fund for technical co-operation and *(b)* other Commonwealth activity financed by the United Kingdom; and if she will make a statement. [41807]

Clare Short: The Government are a strong supporter of the Commonwealth, contributing an annual total of some £18 million from the aid programme to a wide range of Commonwealth development programmes, including the Commonwealth Fund for Technical Co-operation. We are the largest contributor to these programmes traditionally providing 30 per cent. of all contributions. In addition, we pledged an extra £4 million at the Commonwealth Heads of Government Meeting for Commonwealth Secretariat programmes.

Crown Agents Foundation

Sir Alastair Goodlad: To ask the Secretary of State for International Development for what social and developmental purposes the Crown Agents Foundation will use profits derived from the Crown Agents; and under what guidelines. [41747]

Clare Short: Ownership of the Crown Agents transferred from Her Majesty's Government to an independent Foundation in March 1997. The right hon. Gentleman may wish to pursue this matter with the Foundation.

Mr. Mullin: To ask the Secretary of State for International Development when Mr. Peter Pursglove was employed by the Crown Agents; and on what terms he was seconded to the Government of Trinidad and Tobago. [41348]

Clare Short: Ownership of the Crown Agents transferred from Her Majesty's Government to an independent Foundation in March 1997. My hon. Friend may wish to pursue this matter with the Foundation.

Departmental Expenditure

Sir Alastair Goodlad: To ask the Secretary of State for International Development what percentage of her Department's expenditure through non-governmental organisations in 1997–98 was applied to *(a)* the Joint Funding Scheme, *(b)* emergency relief, *(c)* volunteers and *(d)* other areas; and what are the comparable planned figures for 1998–99. [41365]

Clare Short: Details of bilateral development assistance are published each year in the British Aid Statistics. The next issue, which will include final expenditure figures for 1997–98, is due for publication in December 1998.

Information on planned spending through UK non-governmental organisations for 1998–99 is not held centrally in the format requested. I regret that a full answer to the question could be provided only at disproportionate cost.

Sir Alastair Goodlad: To ask the Secretary of State for International Development how much of the bilateral development assistance programme was channelled through United Kingdom non-governmental organisations for development activities in 1997–98; and what is the planned figure for 1998–99. [41366]

Clare Short: The information requested for 1997–98 will not be available until later this year. Details of bilateral development assistance are published each year in the British Aid Statistics. The next issue, which will include final expenditure figures for 1997–98, is due for publication in December 1998.

Information on planned spending through UK non-governmental organisations for development activities for 1998–99 is not held centrally in the format requested. I regret that a full answer to the question could be provided only at disproportionate cost.

Sir Alastair Goodlad: To ask the Secretary of State for International Development how much her Department spent under the Joint Funding Scheme in 1997–98; on how many projects; and what are the planned figures for 1998–99. [41368]

Clare Short: My Department spent £36,139,087 on development projects through the Joint Funding Scheme in 1997–98. This involved some 1,700 projects managed by 128 UK NGOs. Our planned figure for 1998–99 is £36,156,000. It is expected that the number of projects and agencies will be equivalent to last year.

Sir Alastair Goodlad: To ask the Secretary of State for International Development how much her Department spent on the Volunteer Programme in 1997–98; how many volunteers were sent; to how many countries; and what are the planned figures for 1998–99. [41367]

Clare Short: In 1997–98 my Department provided £23,932,580 to the four main volunteer sending agencies Voluntary Service Overseas (VSO), International Co-operation for Development (ICD), United Nations Association for International Service (UNAIS) and Skillshare Africa. This helped to fund the work of approximately 2,080 volunteers in around 60 countries.

Our planned figure for 1998–99 is £25,533,124. It is expected that the number of volunteers will be maintained at the current level in the same number of countries.

Western Sahara

Ms Kingham: To ask the Secretary of State for International Development what plans her Department has over the next year to provide (i) aid and (ii) assistance for de-mining projects, to the people of Western Sahara with particular reference to Saharawi refugees. [39981]

Clare Short: The majority of UK assistance to the Sarahawi is provided via the European Community Humanitarian Office (ECHO) and the Office of the United Nations High Commissioner for Refugees (UNHCR). A proposal from ECHO for a 7.2 mecu (£4.8m) programme of assistance to the Saharawi refugees in Southern Algeria for 1998 has recently been approved—the UK share of this will be approximately £670,000. Under this programme, funding will be provided to NGOs, UN agencies and the Red Cross for food aid, medical and sanitary assistance and improving drinking water supply. For UNHCR, the UK recently announced a £10m package of support for 1998, of which £7m will go to general programmes which include assistance to Saharawi refugees.

We are also supporting some NGO programmes directly—my Department is providing £50,000 to War on Want for the improvement of food storage facilities for the refugees, and £30,000 to Action Water to improve water supply and distribution in the refugee camps.

We understand from the UNHCR that there are problems with mines in the vicinity of the refugee camps. Mines awareness training is carried out by the UNHCR. De-mining is the responsibility of the UN Department of Peace Keeping Operations but no demining operations have been carried out to date. DFID has not been approached to provide any funds for demining but we are ready to look sympathetically at any such requests.

Bosnia

Ann Clwyd: To ask the Secretary of State for International Development what representations she has received on the diverting of humanitarian aid to Bosnia to Swiss bank accounts. [41459]

Clare Short: I have not received any representations about the diverting of humanitarian aid to Bosnia to Swiss bank accounts. The Government's humanitarian aid to Bosnia is subject to strict financial controls.

International Monetary Fund

Sir Alastair Goodlad: To ask the Secretary of State for International Development what representations she has made to the International Monetary Fund in connection with the recent external review of the external structural adjustment facility; and if she will make a statement. [41745]

Clare Short: The International Monetary Fund (IMF) has an important role to play in helping to eradicate poverty in developing countries, and I have taken a close personal interest in the external evaluation of the IMF's Enhanced Structural Adjustment Facility (ESAF). I have discussed the report with the Managing Director of the IMF, and other senior Staff on a number of occasions, and pressed them to ensure that key recommendations are adopted. The recommendations include the development of a closer working relationship with the World Bank in the design of ESAF programmes, encouragement of stronger local ownership of such programmes through national consensus building and by offering different policy options, and better monitoring of the impact of ESAF programmes on the poor. We have already taken a leading role in promoting greater collaboration between the World Bank and the IMF. The IMF will shortly be setting out how it plans to operationalise these recommendations.

South Africa

Sir Alastair Goodlad: To ask the Secretary of State for International Development how many joint ventures the British Investment in South Africa scheme helped and at what cost to her Department during 1997–98. [41744]

Clare Short: The British Investment in South Africa Promotion Scheme helps to promote investment in South Africa by making available Pre-Investment Feasibility Study (PIFS) grants to small and medium sized British and South African companies. Training grants are also available but have not yet been used. In 1997–98 the scheme disbursed grants worth £296,761 to seven applicants, with a projected investment value of more than £13 million. A further £473,933 was committed to 13 new applicants during the year but this has not yet been spent. The cost of administering the scheme during the year was £74,951. Since the start of the scheme, a total of 29 grants have been awarded and a further five are at an advanced stage of consideration.

Indonesia

Mr. Timms: To ask the Secretary of State for International Development what steps her Department is taking to provide for the basic needs of the urban poor affected by the economic crisis in Indonesia. [41743]

Clare Short: The most immediate need in limiting the impact of the crisis on the poor is to restore confidence in the Indonesian economy. To help achieve this the Government of Indonesia must implement the programme now agreed with the IMF. In addition, the UK is contributing £5 million to the Asia Europe Meeting (ASEM) Trust Fund which will help affected Asian Governments, including Indonesia, to design interventions to combat the social effects of the crisis as well as to

reform their financial sectors. We are exploring urgently other possible opportunities for effective help to those poor in Indonesia suffering the effects of the crisis.

Mr. Timms: To ask the Secretary of State for International Development what steps her Department will take to assist in ensuring an adequate food supply in Indonesia following the shortfall in this year's rice crop. [41742]

Clare Short: Our normal practice is to provide food aid through international agencies, and we stand ready to provide help if needed. We have received a food situation report from the World Food Programme and the Food and Agriculture Organisation and are awaiting a further report from the European Commission which is due shortly. It is possible that the real problem is one of logistics and markets, rather than absolute food shortage. Food aid can damage local production; it is therefore important that we make a proper assessment. Once we have full details we shall take a decision on whether and how best the UK can assist.

African Development Bank

Sir Alastair Goodlad: To ask the Secretary of State for International Development what representations she has made in connection with a possible increase in the capital of the African Development Bank; and if she will make a statement. [41749]

Clare Short: Negotiations on a fifth general capital increase for the African Development Bank have been in progress since February 1997 and were virtually concluded at a meeting on 23–24 March in Abidjan. The increase is not required for lending purposes but to strengthen the Bank's financial base. For non-regional shareholders, such as the UK, the capital increase will provide greater influence in the Bank through an increase in the non-regional shareholding from 33 1/3 per cent. to 40 per cent., and changes to the voting rules. Governors will be invited to adopt a draft Resolution on the capital increase at the Bank's Annual Meeting on 27–29 May. The capital increase will then come into effect in 1999.

Mongolia

Sir Alastair Goodlad: To ask the Secretary of State for International Development what assistance her Department is currently providing to Mongolia. [41356]

Clare Short: We provide bilateral assistance to Mongolia under the Department for International Development (DFID) Small Grants Scheme, administered by the British Embassy in Ulaanbaatar. Support is currently going to a range of small-scale, poverty-related initiatives in education, social welfare and income generation. Expenditure in the current year is likely to be of the order of £250,000. Assistance is also provided through multilateral channels, including the European Union, the World Bank and the Asian Development Bank.

Sombrero Island

Mr. Randall: To ask the Secretary of State for International Development what consultations her Department has held or plans to hold with ICF Kaiser on the scope of their environmental assessment of Sombrero Island in the Caribbean; and if she will make a statement on the scope and content of the assessment. [41624]

Mr. Battle: I have been asked to reply.

I refer the hon. Member to the reply I gave him today.

TREASURY

Savings Accounts

Mr. Loughton: To ask the Chancellor of the Exchequer what assessment he has made of the impact of the change in the proposals for PEPs, TESSAs and ISAs in the Budget on the Government's target of attracting six million new savers. [36801]

Mr. Geoffrey Robinson *[holding answer 30 March 1998]:* At present half the adult population has less than £200 saved. The new account will provide savers with an attractive tax-free savings opportunity which will be more widely available, will have no minimum investment requirement and will not lock up their money. Savers will have an unprecedented guarantee of stability as the scheme will run for at least ten years. We anticipate that these features will make the new account very attractive to those who are new to tax-free saving, as well as providing ample reason for existing savers to continue and increase their savings.

Petroleum Products (Northern Ireland)

Mr. Beggs: To ask the Chancellor of the Exchequer what guidance he has given to district councils, Department of Environment Planning and Road Services and Customs and Excise regarding control of diesel-only supply outlets reselling illegally imported diesel fuel from the Irish Republic. [41378]

Dawn Primarolo: It would not be appropriate for the Chancellor of the Exchequer to issue guidance to district councils or the Department of Environment. However the Government, Customs and Excise and the other authorities in Northern Ireland are aware of the problem of smuggling of duty paid fuel across the border into Northern Ireland for onward sale.

Customs are deploying resources and actively mounting investigations against those involved to counter the threat posed to the revenue and to the Northern Ireland business community. Customs are taking the lead on this issue but are acting in conjunction with other authorities, including the Royal Ulster Constabulary, to make seizures of oil tankers and vehicles carrying oil tanks filled with illegally imported fuel for resale. Wherever possible, cases are progressed with a view to criminal prosecution of the individuals concerned.

Mr. Moss: To ask the Chancellor of the Exchequer what representations he has received from the Petrol Retailers Association about the illegal importation of petroleum products into Northern Ireland; and if he will make a statement. [41549]

Dawn Primarolo: The Chancellor has received representation from the Petrol Retailers Association via Northern Ireland MPs. The letters have received replies explaining the measures which are being taken to counter the threat posed by this illegal trade.

There is evidence of smuggling of duty paid fuel across the border into Northern Ireland for onward sale. The Government recognise that this is a serious problem which disadvantages legitimate traders. Customs are aware of the problem and are active in mounting investigations against those involved.

Mr. Moss: To ask the Chancellor of the Exchequer what discussions he has had with HM Customs and Excise about the illegal importation of petroleum products into Northern Ireland; and if he will make a statement. [41554]

Dawn Primarolo: The Government and Customs are aware of the problem of smuggling of duty paid fuel into Northern Ireland for onward sale and recognise that it is a serious problem which disadvantages legitimate traders. Customs are deploying resources and actively mounting investigations against those involved to counter the threat posed to the revenue and to the Northern Ireland business community.

Mr. Moss: To ask the Chancellor of the Exchequer what is the estimated loss of revenue through the illegal importation of petroleum products into Northern Ireland; and if he will make a statement. [41535]

Dawn Primarolo: There are no estimates available of this illegal activity.

There is a problem with illegal importation of duty paid fuel across the border into Northern Ireland for resale. Both the Government and Customs are aware of this situation and recognise that it seriously disadvantages legitimate traders. Customs are deploying resources and actively mounting investigations against those involved to counter the threat posed to the revenue and to the Northern Ireland business community.

Mr. Moss: To ask the Chancellor of the Exchequer what is the pump price per litre of *(a)* unleaded petrol and *(b)* derv in (i) Northern Ireland and (ii) the Republic of Ireland, indicating the percentage of duty and VAT in the total cost of each. [41534]

Dawn Primarolo: The pump prices of unleaded petrol and diesel in Northern Ireland and the Republic of Ireland are as follows:

Pence per litre

	Northern Ireland	*Republic of Ireland*
Unleaded petrol	66.4	55.73
Diesel	66.4	54.87

Duty (and VAT) represent the following percentages of these prices.

Percentage

	Northern Ireland		*Republic of Ireland*	
	Duty	*VAT*	*Duty*	*VAT*
Unleaded petrol	66.25	(14.88)	43.57	(17.35)
Diesel	67.76	(14.88)	38.55	(17.35)

Leagues of Hospital Friends (VAT)

Mr. Willis: To ask the Chancellor of the Exchequer if he will exempt from VAT charitable gifts from the National Association of Leagues of Hospital Friends to NHS hospitals; and if he will make a statement. [41362]

Dawn Primarolo: If a League of Hospital Friends is not VAT registered, any gift it makes to a NHS Trust will be VAT free. Where a VAT registered organisation makes a gift of an asset that has not been used in its business, then the gift is outside the scope of VAT. A gift made for business purposes, where the cost to the donor was not more than £15, is also outside the scope of VAT, but not gifts which form a part of a 'series or succession' of gifts from time to time.

It is also possible for Leagues of Hospital Friends to buy specific categories of goods VAT free for donation to NHS Trusts when using funds, provided either by a charity or from voluntary contributions. The list of goods covered by this relief includes ambulances and medical, scientific, computer, video, sterilising, laboratory and refrigeration equipment used for medical research, training, diagnosis or treatment.

Economic and Finance Ministers Council

Mr. Timms: To ask the Chancellor of the Exchequer if he will make a statement on the Council meetings of the Economic and Finance Ministers of the European Union held on 1 and 3 May. [41657]

Mr. Gordon Brown: I chaired the Economic and Finance Council—ECOFIN—of the European Union in Brussels on 1 May, and again on 3 May. The Council also met (in the composition of Heads of State or Government) on Saturday 2 May. The Prime Minister has already reported on this to the House in his statement of 5 May 1998, *Official Report*, columns 563–65. The Economic Secretary represented the UK.

On 1 May, the Council began by considering the Commission's Recommendations on the abrogation of excessive deficits. The Council concurred with the Commission's Recommendations, and agreed unanimously to decisions abrogating the deficits of Austria, Belgium, France, Germany, Italy, Spain, Sweden, Portugal and the UK. These decisions were then formally notified to the relevant delegations, to allow the Council to move to its next business.

As laid down in Article 109j(2), the Council then discussed its Recommendations on those countries fulfilling the necessary conditions for the adoption of the single currency. We agreed without dissent that Austria, Belgium, Finland, France, Germany, Ireland, Italy, Luxembourg, Netherlands, Spain and Portugal met those conditions. We agreed to attach to our Recommendation a declaration on the importance of fiscal consolidation and structural adjustment.

On 3 May, we approved two important A-points (on the technical specifications of euro coin, and the legal framework for the euro). Finance Ministers from the participating Member States then went on to sign formal receipts of the notification of the Heads' decision on those countries which fulfilled the necessary conditions for the adoption of the single currency.

ECOFIN then formally adopted its recommendation on initial appointment of the members of the ECB Executive Board, which will go back to Heads for formal approval, after consultation with the European Parliament and European Monetary Institute.

The Council also appointed the three of the six members of the committee which proposes the terms and conditions of employment of the ECB Executive Board that it falls to them to nominate. My colleagues Mr. Ciampi, Mr. Juncker, and Mr. Sousa Franco were agreed by the Council.

The Council adopted conclusions on the Commission's Recommendations on the practical aspects of the euro, welcoming the Commission's initiative, but noting their non-binding nature.

We adopted conclusions welcoming the progress the Greek Government have made towards the convergence required for participation in stage 3 of EMU, and their objective of joining in 2001, while noting that the requirements of the Treaty would have to be met in full.

Amusement Machine Licence Duty

Dr. Ladyman: To ask the Chancellor of the Exchequer how much, in each year since 1990, has been raised by the amusement machine licence duty on *(a)* club machines and *(b)* amusement with prize machines; and how much he estimates will be raised in each category after the announced increases are implemented. [41506]

Dawn Primarolo *[holding answer 11 May 1998]:* The government do not have a breakdown of actual receipts from particular types of machine. The Government have full official data only on total receipts from machine licence duty. Amusement Machine licence duty was introduced in 1995. Prior to that, the figures relate to Gaming Machine Licence Duty.

000s

Year	*Receipts*
1990	98,491
1991	97,187
1992	93,844
1993	95,347
1994	104,372
1995	113,014
1996	129,719
1997	132,943

The announced increases in duty rates are expected to yield an additional £15 million in 1998–99 and £20 million per annum thereafter.

Dr. Ladyman: To ask the Chancellor of the Exchequer in each year since 1990, how many *(a)* club machines and *(b)* amusement with prize machines were subject to amusement machine licence duty; and what estimate he has made of the impact of his proposed tax increases on the number of machines which will be operated in future years. [41505]

Dawn Primarolo *[holding answer 11 May 1998]:* The Government do not hold official data on the number of machines of a particular type subject to amusement machine licence duty. Although any tax increase is likely to have some impact on demand, our calculations suggest that there is not likely to be a significant effect on the number of machines made available for play. This is particularly so as those machines which the industry claim to be most price sensitive—those in the lower duty band—have not been subjected to any increase.

Wildlife Trade

Mr. Randall: To ask the Chancellor of the Exchequer if he will make a statement about funding to continue HM Customs and Excise work to enforce legislation controlling wildlife trade; and what plans he has to expand this area of work. [41623]

Dawn Primarolo: HM Customs and Excise do not fund enforcement activity specifically in this area. Frontline anti-smugglers, investigation and intelligence staff tackle a wide range of prohibited and restricted goods, both at import and export, including species covered by the Convention on International Trade in Endangered Species of wild fauna and flora (CITES). The detection of commercial smuggling of endangered species, and goods derived from them, is a priority for Customs, and this will continue to be so.

There are no plans to expand Customs activity in this area of work.

Financial Services Authority

Mr. Jim Cunningham: To ask the Chancellor of the Exchequer what requirements in respect of the protection of individual consumers will be placed on the Financial Services Authority. [41390]

Mr. Darling *[holding answer 12 May 1998]:* The Government intend that the Financial Services Authority's statutory objectives will include the protection of consumers by ensuring that firms are competent and financially sound and that they give customers confidence in their integrity, while recognising consumers' own responsibility for their financial decisions. Draft statutory objectives will form part of the draft legislation which the Government plan to publish for consultation in the Summer.

Mr. Jim Cunningham: To ask the Chancellor of the Exchequer what representations he has received from the National Consumer Council regarding the establishment of the Financial Services Authority. [41391]

Mr. Darling *[holding answer 12 May 1998]:* The Government have received a number of representations from the National Consumer Council covering a number of different matters.

Harmful Tax Competition

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer if he will make a statement on the meeting of the EU Committee on Harmful Tax Competition held on 8 May. [42052]

Dawn Primarolo: The first meeting of the EC Code of Conduct Group on 8 May covered the chairmanship of the Group and initial plans for a work programme to review Member States' business tax measures which may be harmful within the meaning of the Code.

I am pleased to report that I received unanimous support from the members of the Group and was consequently appointed Chair for an initial two-year period. This is yet another example of the Government's determination to play a central role in Europe.

Corporation Tax

Mr. Gibb: To ask the Chancellor of the Exchequer if he will estimate the impact on Exchequer revenue of the one per cent. reduction in the main rate of corporation tax after taking into account the introduction of quarterly corporation tax payments. [41847]

Dawn Primarolo: The estimated costs of 1 per cent. cut in the main rate of corporation tax from 1 April 1999 after taking account of quarterly payments are:

Year	*£ million*
1998–99	negligible
1999–00	250
2000–01	900

In table C1 of the 1998–99 "Financial Statement and Budget Report", the costs of the rate change are estimated before allowing for the introduction of quarterly instalments. The overall revenue effects of the changes to corporation tax remain the same.

Savings (Taxation)

Mr. Laurence Robertson: To ask the Chancellor of the Exchequer, pursuant to his answer of 8 April 1998, *Official Report*, columns *241–42*, on the taxation of savings, if he will break down the total yield from taxes on savings for the last three years into the yield from *(a)* bank and building society interest and *(b)* dividends. [41371]

Dawn Primarolo *[holding answer 13 May 1998]:* Estimates for the last three years are given in the table. Taxpayers over retirement age include women aged 60 and over and men aged 65 and over.

Full year yield from taxing savings income

£ billion

	1996–97	*1997–98*	*1998–99*
All taxpayers			
Bank and building society interest	2.3	2.5	3.0
Dividends	3.2	3.8	3.6
Other	0.4	0.4	0.4
Taxpayers over retirement age			
Bank and building society interest	1.1	1.2	1.4
Dividends	0.8	1.0	0.9
Other	0.2	0.2	0.3

NORTHERN IRELAND

Irish Language

Ms Moran: To ask the Secretary of State for Northern Ireland if she will make a statement on her plans for an increase in the number of Irish language schools. [40663]

Mr. Worthington: Any increase in the number of Irish Language Schools will be determined by parental choice. The Government will continue to support proposals for new Irish language schools provided they are viable, provide effective education and are cost effective.

Training Schools

Mr. McNamara: To ask the Secretary of State for Northern Ireland in what circumstances her Department may place a child in a training school other than the one recommended by the court; in how many cases this power has been used in the past five years; and for what reason. [41075]

Mr. Ingram: The courts do not recommend the Training School in which a child is to be placed.

When a Training School Order is made under section 74 of the Children and Young Persons Act (Northern Ireland) 1968, the School in which he is to be detained is determined by the Secretary of State for Northern Ireland.

Mr. McNamara: To ask the Secretary of State for Northern Ireland when the 1973 classification for the reception of non-Roman Catholic boys changed; and for what reason. [41076]

Mr. Ingram: I refer my hon. Friend to the reply I gave him on 27 February 1998, *Official Report*, column *414*.

However, I would add that Lisnevin was "approved" as a non-denominational training school on 24 September 1973 and there has been no change to its status since then.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what is the statutory basis for the secure custody provisions in Lisnevin, and what criteria her Department uses in directing the courts to *(a)* use Lisnevin for placement and *(b)* use the other training schools when transferring from Lisnevin. [41077]

Mr. Ingram: A Training School Order (made under section 74 et seq of the Children and Young Persons Act (Northern Ireland) 1968 and defined by Article 2 of the Criminal Justice (Northern Ireland) (Order 1996) provides authority for the detention in custody in secure accommodation of a child who has been found guilty of serious or persistent offending and can be made only by a court. Nevertheless, it is policy to use 'open' accommodation if practicable. However, a child will be placed in, or returned to, secure accommodation if the seriousness or nature of his offending, or absconding or other behaviour while in 'open' accommodation, indicates that he may present a risk to himself or others.

My Department does not direct the courts to use a particular Training School for the placement or transfer of any child within the Training School system.

EDUCATION AND EMPLOYMENT

Standard Assessment Tests

Mr. Don Foster: To ask the Secretary of State for Education and Employment what were the average total National Curriculum levels, rounded to 3 decimal places, attained by all 11 year old *(a)* male, *(b)* female and *(c)* male and female pupils in all maintained schools in each LEA at Key Stage 2 in (i) English, (ii) Maths,

(iii) Science and (iv) English, Maths and Science for (1) 1995, (2) 1996 and (3) 1997, on the basis of teacher assessment of the numbers of pupils attaining each level from level 1 upwards; and if he will list the number of pupils for each LEA area. [38418]

Ms Estelle Morris: The information requested is shown in tables, copies of which have been placed in the Library. It is not possible to present information for English, mathematics and science together as matching of pupils' results across subjects is not possible.

Beacon Schools

Mr. MacShane: To ask the Secretary of State for Education and Employment if he will list the beacon schools. [41621]

Mr. Byers: There are no beacon schools at present. I have invited those schools identified by HMCI as 'best performing' to consider beacon school status. Most of these are listed in HMCI's Annual Report for 1996–97.

Project Charlie

Mr. Flynn: To ask the Secretary of State for Education and Employment how many children were involved in Operation Charlie; over what period it was conducted; and how its value was assessed. [41619]

Ms Estelle Morris: The Project Charlie (Chemical Abuse Resolution Lies in Education) programme was evaluated soon after its implementation in two primary schools in Hackney over the period 1990–1992. The children who were involved in the programme at this time were followed-up in 1996 and compared with children who did not receive Project Charlie. A number of different comparisons were made involving more than 300 pupils and, among the findings of the evaluation study highlighted in a recent Home Office Drug Prevention Initiative study paper, are the positive effects the programme appears to have on pupils' skills, attitudes and reported drug use.

Independent-State School Partnerships

Mr. Derek Twigg: To ask the Secretary of State for Education and Employment when he expects to respond to the interim report of the advisory group on independent/state school partnerships. [42399]

Mr. Byers: I am writing today to the Chairman welcoming the interim report of the Advisory Group. The full report, including my response, will be published tomorrow. Copies will be placed in the Library.

I am also laying before Parliament tomorrow the Education (Partnership Grant) Regulations 1998 and announcing the allocation of grant for 1998–99.

New Deal

Mr. Quinn: To ask the Secretary of State for Education and Employment what plans he has for the private sector to lead partnerships for the organisation and delivery of the New Deal to those unemployed adults covered by the pilot initiatives due to commence in November. [42545]

Mr. Andrew Smith: The Government wish to build on the experience gained from New Deal for 18–24-year-olds in taking forward the pilots of enhanced provision for those aged 25 and over, which were announced by the Chancellor of the Exchequer in the budget and which are due to start in November.

Accordingly we have decided that around a third of the pilots which we intend to establish later this year should be taken forward by private sector led partnerships and that these should be in the areas where the private sector has been invited similarly to lead on the New Deal for 18–24-year-olds. The areas concerned are, Bridgend and Glamorgan Valleys, Colchester, Exeter and East Devon, Forth Valley, Hackney and City, Leicestershire, Solihull, South Humber, Tyneside North and West Lancashire.

Advertisements seeking expressions of interest in these pilots will appear in the national and local press shortly. We aim to announce the successful bidders in each locality by the end of August.

The remainder of the pilots will be led by local New Deal partnerships. We will be announcing plans to select these areas in due course.

TRADE AND INDUSTRY

Investment

16. **Dr. Lynne Jones:** To ask the President of the Board of Trade if she will make a statement on levels of investment in the United Kingdom relative to those elsewhere in the EU. [40968]

Mr. Nigel Griffiths: In 1996, fixed investment accounted for 15½ per cent. of Gross Domestic Product in the United Kingdom and almost 19 per cent. in the rest of the EU.

Productivity

17. **Mrs. Heal:** To ask the President of the Board of Trade what action her Department is taking to improve productivity in British companies. [40969]

Mr. Battle: Improving productivity is at the heart of the Government's drive to improve the competitiveness of UK companies.

Responsibility for this lies largely with business itself. But Government are ready to work in partnership with business. My right hon. Friend the President of the Board of Trade set up six business-led Working Parties last year to make recommendations about how such a partnership can help to remedy these specific failings. Now she is co-hosting, with the Chancellor of the Exchequer, a series of seminars on the productivity gap over the Summer and Autumn.

The conclusions of this process will contribute to a White Paper on competitiveness to be published in the Autumn.

Engineering (West Midlands)

18. **Mr. Fabricant:** To ask the President of the Board of Trade what steps she is taking to improve the export opportunities for engineering companies in the west midlands. [40970]

Mr. Battle: West Midlands engineering companies have local access to all national export assistance programmes which draw on the expertise of DTI officials.

Local partners, including Business Links and the Government office, are also working together to help deliver the new Market and Trade Fair Explorer programmes designed especially for those companies who have had limited experience of selling overseas. This, together with a range of new schemes under the SME Initiative, will provide more opportunities for West Midlands firms.

Industrial Relations and Employment White Paper

19. **Mr. Mackinlay:** To ask the President of the Board of Trade what meetings she has had with and representations she has received from trade unions in the past three months in relation to the forthcoming White Paper on industrial relations and employment law; and if she will make a statement. [40971]

Mrs. Beckett: I have met the TUC on several occasions to discuss union recognition and associated issues. My Department has also received a large number of letters from trade unions on these matters. The Government will announce their proposals on recognition in the forthcoming White Paper on fairness at work.

32. **Mr. Barnes:** To ask the President of the Board of Trade if she will make a statement on progress in respect of the fairness at work White Paper. [40986]

Mrs. Beckett: The Government will publish the White Paper shortly.

National Minimum Wage

20. **Mr. Watts:** To ask the President of the Board of Trade when she now expects the Low Pay Commission to report its recommendations for a national minimum wage to her Department. [40972]

Mr. Ian McCartney: I expect the Low Pay Commission to make its recommendations to Government by the end of this month on the level at which the national minimum wage might be introduced.

27. **Mr. Alan Campbell:** To ask the President of the Board of Trade when she expects the Low Pay Commission to report its recommendations for a national minimum wage to her Department. [40980]

Mr. Ian McCartney: I refer my hon. Friend to the answer I gave earlier today to my hon. Friend the Member for Harrow, East (Mr. McNulty).

Inward Investment (Yorkshire and Humberside)

21. **Shona McIsaac:** To ask the President of the Board of Trade what steps she is taking to encourage inward investment in the Yorkshire and Humber region. [40973]

Mr. Ian McCartney: The Yorkshire and Humberside Development Agency (YHDA) co-ordinates the region's inward investment promotion effort. The Agency works in partnership with DTI's Invest in Britain Bureau, the Government Office for Yorkshire and the Humber, Local Authorities and the private sector to encourage inward investment in the Region.

Small and Medium Enterprises

22. **Mr. Bob Russell:** To ask the President of the Board of Trade what action her Department is taking to encourage new sources of long-term capital for small and medium enterprises. [40974]

Mrs. Roche: The Government are very keen to ensure that small and medium enterprises have access to appropriate finance for their needs. We continue to work in partnership with the private sector providers of finance, including the banks, venture capitalists and the business angel market, to explore new ways of providing long-term finance.

31. **Mr. Bill O'Brien:** To ask the President of the Board of Trade when she last met representatives of small and medium British businesses to discuss competitiveness; and if she will make a statement. [40984]

Mrs. Roche: Competitiveness is at the heart of the department's policies. My right hon. Friend the President of the Board of Trade meets small business representatives to ensure that their needs are fully taken into consideration when formulating new policy.

As part of this process my right hon. Friend the President of the Board of Trade established an Advisory Group on Competitiveness, whose members include representatives of the small business community.

36. **Mr. Coaker:** To ask the President of the Board of Trade what action she is taking to encourage EU support for small and medium enterprises. [40990]

Mrs. Roche: The Government recognise the important contribution that SMEs make to EU competitiveness and support effective action at European level to provide an environment in which SMEs can compete and grow. To help ensure this I maintain close contact with the Commission and with my counterparts in other EU Member States on a range of issues affecting SMEs.

SMEs have been a key feature of the UK's Presidency of the EU. We have secured agreement on the package of financial measures for job-creating SMEs adopted at the Luxembourg Job Summit, held a discussion at the Industry Council on the Commission's proposals for a Directive on late payment and hosted the Enterprising Europe Conference at which delegates from all Member States considered ways of promoting entrepreneurship in the EU. The Cardiff European Council will consider the report of the Business Environment Simplification Taskforce which the Commission set up at the request of the Amsterdam European Council to identify barriers to growth and job creation faced by SMEs.

Post Office

23. **Mrs. May:** To ask the President of the Board of Trade if she will make a statement on the timetable for the second phase of the Post Office review. [40975]

Mr. Ian McCartney: My right hon. Friend the President of the Board of Trade announced the second phase of the inter-departmental review on 6 April 1998, *Official Report*, column *63*. We plan to present our proposals to Parliament in the Autumn.

25. **Mr. Simon Hughes:** To ask the President of the Board of Trade what are the Government's plans for the future of the Post Office. [40977]

Mr. Ian McCartney: The Government plan to give the Post Office greater commercial freedom so that it can meet changes in the domestic and international markets. The Government have commissioned a review of public sector options for achieving this.

34. **Mr. Page:** To ask the President of the Board of Trade what steps are being taken to facilitate the international competitiveness of the Royal Mail. [40988]

Mr. Ian McCartney: The Government have commissioned a review of possible public sector options for giving the Post Office greater commercial freedoms to help meet changes in the domestic and international markets and enhance its international competitiveness. Our conclusions will be presented to Parliament in the Autumn.

Manufacturing

24. **Mr. Alan W. Williams:** To ask the President of the Board of Trade if she will make a statement on the balance of payments in manufactured goods for the first quarter of 1998. [40976]

Mr. Battle: In the three months to February compared with the previous three months, excluding erratics, the volume of manufactured exports rose by 1.5 per cent. while the volume of manufactured imports was unchanged.

Economic and Monetary Union

26. **Dr. George Turner:** To ask the President of the Board of Trade what assessment she has made of the preparedness of UK business for EMU; and what progress her Department has made in assisting business to plan effectively. [40979]

30. **Yvette Cooper:** To ask the President of the Board of Trade what assessment her Department has made of the preparedness of British companies for economic and monetary union. [40983]

37. **Mr. Efford:** To ask the President of the Board of Trade what progress her Department has made in working with business to prepare for the launch of EMU. [40991]

Mrs. Beckett: The best large British firms have already begun to prepare but many small and medium businesses have not thought about the issue. To help them do so, the Government have a communications strategy to raise awareness and provide information, including a dedicated telephone line and website supported by a range of literature.

Oil Installations

28. **Dr. Godman:** To ask the President of the Board of Trade what recent representations she has received concerning the dismantling and abandonment of redundant offshore structures and pipeline networks. [40981]

Mr. Battle: I have not received any recent representations under the terms of the Petroleum Act 1987. My Department is currently considering Shell's revised proposals for the Brent Spar and has had preliminary discussions with a number of operators about their decommissioning plans.

Business Burdens

29. **Mr. Ruffley:** To ask the President of the Board of Trade what representations she has received regarding financial burdens on business. [40982]

Mrs. Roche: I receive many representations as part of the Government's extensive dialogue with business, including on issues that might place burdens on business. The Government's aim is to minimise such burdens, for example by ensuring long-term economic stability and adopting good regulatory practice.

Innovation

33. **Dr. Iddon:** To ask the President of the Board of Trade what steps she is taking to raise the profile of innovation among British firms. [40987]

Mr. Battle: The Department has a special Innovation Unit which works to spread best practice in and awareness of innovation through events such as the Audience with Innovation recently given by Richard Branson, through publications such as Partnerships with People and through networking both regionally and nationally with companies, with public and private sector bodies and with other parts of DTI.

In addition, last year my right hon. Friend the President of the Board of Trade set up six business-led Working Parties, including one on innovation which I chaired, to make recommendations about how the UK could be made more competitive.

Miners (Compensation)

35. **Mr. Rowlands:** To ask the President of the Board of Trade if she will make a further statement on the handling of compensation claims from former miners suffering from respiratory diseases. [40989]

Mr. Battle: At a High Court hearing on 27 March 1998 the solicitors acting for the plaintiffs requested a three month adjournment to allow further discussions to take place with the Department's agents about our settlement proposals for dealing with the many thousands of claims expected. The court granted an adjournment and discussions continue. We trust that agreement can be reached quickly so that valid claims can be paid in full.

I also refer my hon. Friend to my previous answer to him of 30 April 1998, *Official Report*, columns 235–36, which explained that, as a further three month delay may be unwelcome to some claimants, particularly those who are severely disabled, we are continuing to make interim payments of £2,000 to miners seeking compensation for emphysema who are also in receipt of DSS PD.D12 benefit. Initially offers were made to those over 80 on

receipt of PD.D12 certificates from claimants' solicitors. But we are also making offers to claimants below 80 (in descending order) wherever practicable, to ensure that we reach our minimum target of 5,000 offers. Ideally we wish to reach this point by the end of June but, to enable us to do this, we need the co-operation of the plaintiffs' solicitors to submit evidence of receipt of benefit. Unfortunately, PD.D12 certificates are not being sent in to us as quickly as we expected and we trust that plaintiffs' solicitors will do all they can to speed the process up.

Export Credits

Ann Clwyd: To ask the President of the Board of Trade, pursuant to her answer to the hon. Member for Newport, West (Mr. Flynn) of 27 November 1997, *Official Report*, column *645*, if she will list the assessments made by *(a)* ECGD and *(b)* other relevant agencies on the risks of extending the export credits against which claims have been made by manufacturers and not recovered from the Governments of (i) Venezuela, (ii) Jordan, (iii) Kenya, (iv) Egypt and (v) Algeria. [39267]

Mrs. Roche: *(a)* All ECGD's risk assessments are based on analysis of the economic and political factors which influence an individual country's ability and willingness to meet its external debt commitments. Any vulnerability to political risks, such as civil wars, coups, etc., is also taken into account. In the cases of Algeria, Egypt, Jordan, Kenya, and Venezuela the risk assessments made prior to the issue of the guarantees led us to take the view that these countries had the capacity and willingness to pay, and the decision was taken to issue the guarantees. However, despite best endeavours at judging the long-term risk some countries can still default on their commitments for reasons which are outside ECGD's control (for example unforeseen economic shocks such as oil price falls).

(b) ECGD considers a wide variety of country information and risk assessments from other relevant agencies such as the International Monetary Fund, The World Bank, and Export Credit Agencies. Information from these agencies helps to inform ECGD's own assessment of the economic and political risks.

Research Councils

Dr. Starkey: To ask the President of the Board of Trade what percentage of applications, in relation to each of the research councils were from women, for *(a)* project grants, *(b)* programme grants, *(c)* special grants intended for new investigators, *(d)* studentships and *(e)* fellowships, in 1997 and each of the two previous years. [40879]

Mr. Battle: The available data are shown in the table.

Research council and year	*Project grants*	*Programme grants*	*Special grants*	*Studentships*	*Fellowships*
Biotechnology and biological Sciences					
1995	13.4	14.1	24.8	45	n/a
1996	14.5	16.1	20.2	46	31.0
1997	14.3	16.3	22.1	50	29.3
Engineering and physical sciences					
1995	4.9	—	n/a	21.4	7.8
1996	4.7	—	n/a	21.6	6.8
1997	6.8	—	19.3	23.3	8.6
Economic and social					
1995	n/a	n/a	n/a	47	n/a
1996	n/a	n/a	n/a	49	n/a
1997	34	n/a	n/a	52	n/a
Medical					
1995	18	13	n/a	54	33
1996	23	26	n/a	54	42
1997	22	9	n/a	57	n/a
Natural environment					
1995	n/a	n/a	n/a	n/a	21
1996	n/a	n/a	n/a	n/a	15
1997	8	9	n/a	n/a	26
Particle physics and astronomy					
1995	5	—	n/a	21	11
1996	4	—	n/a	16	15
1997	7	—	n/a	15	16

Notes:

1. The EPSRC and PPARC do not distinguish project from programme grants. In addition, the EPSRC figure for these grants and for the special grants is the percentage of applications by women in applications where the gender is known
2. NERC figures for project grants represent NERC non-thematic (responsive) grants, and for programme grants NERC thematic (directed) grants
3. Some Councils do not run special grants intended for new investigators, or are only in the first year of doing so
4. There are no data for studentship applications because, with the exception of the ESRC research studentships, the Research Councils allocate studentships by quota to institutions which are responsible for the subsequent award. The figures given are the percentage of studentships awarded to women, with the exception of the ESRC which shows the percentage of applications for research studentships for women.

Dr. Starkey: To ask the President of the Board of Trade what percentage of applications from women, in relation to each of the research councils, were successful for *(a)* project grants, *(b)* programme grants, *(c)* special grants intended for new investigators, *(d)* studentships and *(e)* fellowships, in 1997 and each of the two previous years. [40878]

Mr. Battle: The available data are shown in the table.

Research council and year	*Project*	*Programme*	*Grants Special*	*Studentships*	*Fellowships*
Biotechnology and biological sciences					
1995	22.3	20.2	18.4	45	0
1996	23.4	22.0	14.3	46	4.6
1997	32.5	29.9	24.1	50	6.4
Engineering and physical sciences					
1995	60.7	—	n/a	21.4	16.7
1996	49.0	—	n/a	21.6	21.1
1997	39.0	—	56.3	23.3	6.9
Economic and social					
1995	n/a	n/a	n/a	27	n/a
1996	n/a	n/a	n/a	27	n/a
1997	16	n/a	n/a	32	n/a
Medical					
1995	39	75	n/a	54	19
1996	39	70	n/a	54	34
1997	30	50	n/a	57	n/a
Natural environment					
1995	n/a	n/a	n/a	n/a	13
1996	n/a	n/a	n/a	n/a	11
1997	20	6	n/a	n/a	14
Particle physics and astronomy					
1995	55	—	n/a	21	11
1996	67	—	n/a	16	17
1997	52	—	n/a	15	14

Notes:
1. The EPSRC and PPARC do not distinguish project from programme grants. In addition, the EPSRC figure for these grants and for the special grants is the percentage of applications by women in applications where the gender is known
2. NERC figures for project grants represent NERC non-thematic (responsive) grants, and for programme grants NERC thematic (directed) grants
3. Some Councils do not run special grants intended for new investigators, or are only in the first year of doing so
4. There are no data for studentship applications because, with the exception of the ESRC research studentships, the Research Councils allocate studentships by quota to institutions which are responsible for the subsequent award. The figures given are therefore the percentage of studentships awarded to women, with the exception of the ESRC which shows the percentage of applications for research studentships by women which were successful

Small Businesses

Mr. Breed: To ask the President of the Board of Trade if her Department will give additional assistance to small businesses to assist in exports to take account of the current strength of sterling. [40965]

Mrs. Roche: The vast majority of our overseas trade services are geared towards helping small firms export, independent of the strength of sterling. We have recently announced a number of new schemes which will improve this support further.

Coal Industry

38. **Mr. Tipping:** To ask the President of the Board of Trade when she expects to conclude her review of the coal industry. [40992]

Mr. Battle: I refer my hon. Friend to the answer I gave to my hon. Friend the Member for Ogmore (Sir R. Powell) on 11 May 1998, *Official Report*, column *36*.

Sustainable Development

Dr. Tonge: To ask the President of the Board of Trade what assistance her Department offers to British companies investing abroad to promote the OECD's national sustainable development strategies. [41040]

Mrs. Roche: The Government believe that outward investment can make a significant contribution to sustainable development. As part of the DTI's response to the Export Forum report, a new Directorate has been established in DTI to review and strengthen our support for UK companies making such strategic investment overseas. The Department also continues to run the Technology Partnership Initiative, which seeks to promote technology co-operation with developing countries, and which can facilitate the transfer of the environmental technologies, which are crucial to the achievement of sustainable development.

Millennium Compliance

Mr. White: To ask the President of the Board of Trade what support the Government are giving to small businesses to deal with the threat of Year 2000 computer bugs. [39795]

Mrs. Roche *[holding answer 6 May 1998]:* This Government's support to small businesses to help them deal with the Millennium Bug falls under two headings: informed advice, guidance and signposting to sources of help through DTI's new initiative—Action 2000—and a Department for Education and Employment scheme to subsidise training in IT skills for staff of small businesses.

Government support for Action 2000 now amounts to £17m. The main focus of the Millennium Bug campaign is on ensuring that small businesses take action now to address the problem by signposting practical help and guidance and available information on tools and services. DTI's network of Business Links and similar organisations in Scotland, Wales and Northern Ireland, working with Action 2000, are training staff to provide advice to businesses, including advice on the best programmes and consultants to use.

In March, my right hon. Friend the Prime Minister announced that £26m was being made available for DfEE to help employers in small businesses train up to 20,000 people to tackle the Millennium Bug.

Faxes

Barbara Follett: To ask the President of the Board of Trade (1) what powers she has to prevent the misuse of fax machines for transmitting unsolicited material; [41499]

(2) if she will legislate to prevent the sending of unsolicited faxes. [41501]

Mrs. Roche: Measures are already in place to deal with the problem of unsolicited faxes. The telecommunications and telephone selling industries have established a Fax Preference Service to help residential customers reduce the number of faxes they receive. Customers who have a fax machine in their residential premises may register for inclusion in a database against which companies selling via fax 'clean' their mailing lists. Moreover, under the Telecommunications Act 1984, UK companies using fax marketing are subject to a class licence which contains measures aimed at limiting the nuisance which can be caused by unsolicited faxes. Anyone sending unsolicited faxes must cease doing so to any particular person on receipt of a written request from them, or face possible enforcement action, including the removal of their right to operate a telecoms system, by Oftel.

The Government are addressing the question of additional measures to protect businesses and residential consumers from unwelcome faxes in the forthcoming consultation paper on the European Union Telecoms Data Protection Directive, which the Government will implement later this year.

Petroleum Products (Northern Ireland)

Mr. Beggs: To ask the President of the Board of Trade what action is being taken by Her Majesty's Government to protect legitimate petrol and diesel fuel retailers in Border areas and throughout Northern Ireland from disadvantageous trading conditions arising from *(a)* the difference in value of sterling and the punt, *(b)* fuel duty differentials between the United Kingdom and the Irish Republic and *(c)* bulk fuel deliveries into Northern Ireland from the Irish Republic. [41389]

Mr. Battle: The main problem affecting legitimate retailers of petrol and diesel in Northern Ireland is smuggling of duty paid fuel across the border for onward sale. The Government, Customs and Excise and the other authorities in Northern Ireland are fully aware of the problem.

Customs are deploying resources and actively mounting investigations against those involved to counter the threat posed to revenue and to the Northern Ireland business community. Customs are taking the lead on this issue but are acting in conjunction with other authorities, including the Royal Ulster Constabulary, to make seizures of oil tankers and vehicles carrying oil tanks filled with illegally imported fuel for resale. Wherever possible, cases are progressed with a view to criminal prosecution of the individuals concerned.

Sombrero Island (Environmental Assessment)

Mr. Randall: To ask the President of the Board of Trade what plans she has to conserve the Sombrero black lizards of the Sombrero Island, Anguilla. [41628]

Mr. Battle: I am informed that ICF Kaiser are producing an Environmental Impact Assessment on behalf of Beal Aerospace. This assessment will examine the impact of Beal Aerospace's proposed development of a satellite launch facility on all flora and fauna on Sombrero Island, including the Sombrero Black Lizard.

Mr. Randall: To ask the President of the Board of Trade (1) what consultations her Department has held or plans to hold with ICF Kaiser on the scope of their environmental assessment of Sombrero Island in the Caribbean; and what alternative sites for building a rocket launching pad have been considered; [41625]

(2) what consultations her Department has held or plans to hold with ICF Kaiser on the scope of their environmental assessment of Sombrero Island in the Caribbean; and if she will make a statement. [41626]

Mr. Battle: ICF Kaiser is an adviser to Beal Aerospace which proposes to develop a satellite launch site on Sombrero Island in the UK dependent territory of Anguilla. Officials in the British National Space Centre (BNSC) have held a number of discussions with Beal Aerospace over the past three months to discuss a formal application to develop the site and conduct launches. BNSC officials have also contributed to defining the scope of an environmental assessment of the proposal. This contribution has reflected advice from a number of Government Departments including the Foreign and Commonwealth Office, the Department of the Environment, Transport and the Regions, and the Environment Agency.

The scope and content of the Environmental Assessment have been prepared such that they fulfil a series of requirements including those laid down by the UK's Town and Country Planning (Assessment of Environmental Effects) Regulation 1988, the US National Environmental Policy Act, and the World Bank.

Beal Aerospace investigated a number of alternative sites before making a commercial decision to select Sombrero Island, the only UK territorial site investigated.

North West London Training and Enterprise Council

Mr. Gardiner: To ask the President of the Board of Trade (1) what steps she has taken to establish the precise financial status of North West London TEC and the proposed withdrawal of its partnership contribution to Business Link London North West; and what effect such withdrawal may have on the future viability of the Business Link; [41465]

(2) if she will publish (i) the committed partnership contributions, (ii) the actual contributions made, (iii) the funding disbursed by her Department and (iv) the generated income of Business Link London North West for the fiscal years *(a)* 1996–97, *(b)* 1997–98 and *(c)* that projected for 1998–99; [41464]

(3) what action she will take to safeguard the sums paid by her Department to North West London TEC as pump priming funding for Business Link London North West in a view of the TEC's withdrawal of its previously committed partnership contribution for 1998–99 as partial matched funding for her Department's funds. [41466]

Mrs. Roche *[holding answer 11 May 1998]:* The information is based on the data held by the Government Office for London and is also available in the North West London TEC's Business Plan:

£

	Generated income	*Committed partner income*	*Actual partner contribution*	*DTI funding*
1996–97	40,000	n/a	255,000	834,240
1997–98	112,000	111,888	150,000	1,126,939
1998–99	196,000	[1]160,000	[1]160,000	[1]1,027,916

[1] Forecast

The Government Office for London carries out regular financial audits of all its TECs. North West London TEC was audited in April 1997 and was assessed as being financially viable, and classified in the low risk category. The next financial audit of the TEC is planned for this summer.

North West London TEC has been instrumental in developing and enhancing a successful local Business Link partnership in its area. The TEC is committed to playing its part in the development of quality business and enterprise support services in line with my vision statement announced in October last year, and to enhancing its strategic role in this respect. I understand that the TEC has not reached any conclusions about its contribution to the Business Link for 1998–99. If the TEC were to withdraw its partnership contribution, the Secretary of State for Trade and Industry would have the right, at her discretion, to withhold pump-priming funding and to recover the pump-priming funding already paid. In addition, concerns about operational and financial viability that may result as a consequence of any of the partners' proposals to withdraw contributions would be subject to a thorough review by the Government Office for London. This is done in the normal course of business so as to ensure that the TEC has an operational Business Link in the area.

Patent Office

Mr. Flynn: To ask the President of the Board of Trade what assessment the prior options review of the Next Steps agencies for the Patent Office has made of the advantages of the agencies expanding their work into areas of activity undertaken by *(a)* trade mark agents and *(b)* patent agents. [41614]

Mr. Ian McCartney: The nature of the functions of the Patent Office is defined by Statutes which in practice preclude it from expanding its work into areas of activity undertaken by patent and trade mark agents. In the context of a prior options review in 1994, the previous Government considered in general terms whether legislation should be introduced to alter this arrangement. In the event, they decided not to proceed with legislation.

Motor Trade (EMU)

Mr. Hoyle: To ask the President of the Board of Trade what assessment she has made of the effects of European Monetary Union on the motor vehicle retail sector. [42047]

Mr. Battle: European Monetary Union will affect the business environment for firms in all sectors. The setting of inflation targets and interest rates by the European Central Bank will affect the macroeconomic situation, and barriers to trade between member states will be removed by the elimination of exchange rate barriers and currency transaction costs. EMU should also increase the transparency of prices across the euro zone, a point of particular interest to the vehicle sector. Businesses in all sectors should be considering their marketing and pricing strategies in the light of this new environment, as well as the practical implications of the change for the way in which they do business.

World Trade Organisation Conference

Barbara Follett: To ask the President of the Board of Trade what are the United Kingdom's objectives for the second Ministerial Conference of the World Trade Organisation in Geneva from 18 to 20 May. [42573]

Mrs. Beckett: The United Kingdom sees this as a significant meeting for further strengthening the rules-based multilateral system and its dispute settlement mechanism. We will be looking to secure:

(i) affirmation of the continuing importance of trade liberalisation to economic growth, improving living standards, and new job creation across the world;

(ii) a pledge to maintain open markets and resist protectionism;

(iii) a renewed commitment to meeting deadlines to implementation of existing commitments and recognition that technical assistance will be made available to assist countries which are encountering difficulties;

(iv) a strengthened commitment to achieving greater integration of the least developed countries into the multilateral system by reducing further trade barriers against their exports;

(v) recognition of the need for a major step forward in the liberalisation of goods and services on a comprehensive basis;

(vi) the setting in train of wide-ranging groundwork so that decisions can be taken at the 1999 Ministerial on the substance, modalities, and timetable for broad-based negotiations beginning from 2000.

I will attend the conference in my capacity as President in Office of the Council of the European Union. As such, I will be guided by the conclusions of EU Ministers which

reflect the consensus among EU trade Ministers for the Ministerial Conference. Copies of these conclusions will be deposited in both Houses. My noble Friend the Minister for Trade will represent the United Kingdom. The United Kingdom's objectives are fully reflected in the EU's objectives for the conference after which we will want, along with the Commission and other EU member states, to begin a process of communicating the benefits of trade liberalisation and the role of the WTO in that process.

Internet

Mr. Michael J. Foster: To ask the President of the Board of Trade what plans she has to protect children from harmful material on the Internet. [40978]

Mrs. Roche: We are determined to ensure that children can access the many benefits the Internet brings, without fear of encountering harmful material. We support the work of the Internet watch Foundation (IWF) to uphold the law on line through its hotline and notification service and to lead development of an international approach to rating and filtering of content. But we are not complacent and I have announced a review of IWF to assess its progress to date and help us to establish its future priorities. IWF is now providing a model for action internationally, and we hope to reach agreement on a European Action Plan for Safe use of the Internet during our Presidency, to promote the safe use of the Internet, and protect children from harmful material.

AGRICULTURE, FISHERIES AND FOOD

Flood Defences

Ms Keeble: To ask the Minister of Agriculture, Fisheries and Food if he will provide a breakdown of the projects aided by the £.05 million grant aid provided by his Department towards the Agency's flood warning arrangements. [41786]

Mr. Morley: In my reply to my hon. Friend's question on 6 May 1998, *Official Report*, column *418*, I stated that in the past two years the Department had contributed some £0.5 million (not £0.05 million) of grant towards the Environment Agency's flood warning arrangements. This understated the contribution, which I now correct to £0.75 million. The breakdown is as follows:

£000

Agency Region	*Project*	*Grant paid*
(a) National projects		
North East (on behalf of all regions)	New national flood warning dissemination—purchase of capital equipment and contribution to publicity costs	241
(b) Regional projects		
	Local improvements associated with national project and with telemetry systems:	
Anglia		343
Thames		35
Southern		19
South Western		30
North West		21
North East		59

In addition, the Agency has met the balance of costs of these flood warning arrangements and will have incurred expenditure on other flood warning arrangements for which grant aid has not been sought.

Ms Keeble: To ask the Minister of Agriculture, Fisheries and Food how many studies commissioned or evaluated by his Department have been completed into the effectiveness of inland flood warning systems since March 1996. [41788]

Mr. Morley: No such research has been commissioned directly by the Ministry. The Environment Agency has commissioned independent annual surveys of public response to assess the effectiveness of their flood warning arrangements. The results of the first survey have been supplied to the Ministry.

My officials have also discussed with the Agency the results of the Agency's independent technical review of new flood warning dissemination systems. This has informed prioritisation of future developments.

Ms Keeble: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 6 May 1998, *Official Report*, columns *417–18*, which local authority areas are covered by inherited arrangements for flood warnings. [41784]

Mr. Morley: This information is not held centrally and could be obtained only at disproportionate cost. The arrangements for dissemination of flood warnings were mainly inherited from the police and the Environment Agency now provides a flood warning service in some one thousand locations.

Ms Keeble: To ask the Minister of Agriculture, Fisheries and Food how many meetings his officials held with the Environment Agency to discuss the flood warnings systems *(a)* in March 1996 to March 1997, *(b)* in March 1997 to March 1998 and *(c)* since March 1998. [41785]

Mr. Morley: The number of meetings wholly or mainly relating to flood warning systems in these periods is *(a)* 9, *(b)* 12 and *(c)* 1. Flood warning arrangements were also discussed in regular liaison meetings with the Environment Agency and were the subject of detailed discussions with the Agency prior to the Ministerial Direction in March 1996.

Ms Keeble: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 6 May 1998, *Official Report*, columns *419–20*, if he will list *(a)* the local authorities, *(b)* the value of the respective grants and *(c)* the title of the application for each of the applications by local authorities for capital grants for flood and sea defences set out in his answer; and which of these applications were approved. [41782]

Mr. Morley: I will write to my hon. Friend with the information requested at *(a)* to *(c)* above, and approval status.

Ms Keeble: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 6 May 1998, *Official Report*, columns *419–20*, if he will list *(a)* the local authority area, *(b)* the value of the respective grants and *(c)* the title of the application for the applications by

the Environment Agency and the Inland Drainage Board from 1995 to 1997 set out in his answer; and which of these applications were approved. [41783]

Mr. Morley: I will write to my hon. Friend with the information requested at *(b)* and *(c)* above, and approval status. Information on *(a)* is not readily available and could be supplied only at disproportionate cost.

Ms Keeble: To ask the Minister of Agriculture, Fisheries and Food what flood warning dissemination plan has been developed for Northamptonshire since March 1998. [41787]

Mr. Morley: The Environment Agency's flood warning dissemination plan for Northamptonshire was drawn up in consultation with the local authorities and the Police in September 1996. The plan was reviewed by the Agency in May 1997 and a further review is planned shortly. A copy of the current Plan is being submitted to the Agriculture Committee and placed in the House Library.

Pesticides

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food what plans he has for new regulations under section 16(2) of the Food and Environment Protection Act 1985. [41525]

Mr. Rooker: We have plans to amend the Control of Pesticides Regulations 1986 and the Plant Protection Products (Basic Conditions) Regulations 1997 by means of new regulations. If the Pesticides Bill passes into law, as the Government hope, the existing Regulations will be amended to improve the arrangements for public access to information and also to extend to local authorities certain powers to seize and dispose of pesticides. In addition, the Government intend to remove the age exemption from the requirement for users of agricultural pesticides to hold a certificate of competence.

We shall consult widely on these proposals.

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food what is his policy in respect of the photocopying of information relating to pesticides, in cases where that information may be inspected by the public. [41526]

Mr. Rooker: The Government's policy is to make as much information about pesticides available to the public as possible. Constraints are therefore kept to the minimum necessary to protect personal information, commercial secrets and intellectual property rights.

Documents detailing the evaluation of pesticide compounds carried out by the Advisory Committee on Pesticides are available for inspection or purchase by the public. The individual scientific studies underlying these documents are available for inspection but we do not allow photocopies to be taken because of the potential for such material to be misused for the purpose of gaining a pesticide approval.

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food how many products containing glufosinate ammonium he has *(a)* approved and *(b)* refused to approve; and if he will place a copy of all approvals and any extensions in the Library. [41523]

Mr. Rooker: 44 products containing glufosinate-ammonium have been granted one or more approvals by Ministers; and Ministers have refused to approve the uses requested for 1 product containing glufosinate-ammonium.

I have placed a list of all the 44 products which have gained one or more approvals in the Library of the House. Individual approvals include the application documents and any subsequent correspondence from the applicant. As such, they contain commercially sensitive data and, therefore, we do not publish them.

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food how many of the approvals he has given or extended for products containing glufosinate ammonium allow use near to, or in connection with, the production of edible crops. [41524]

Mr. Rooker: There are 60 extant approvals allowing use near to, or in connection with, the production of edible crops which relate to the 44 glufosinate-containing products which have been approved by Ministers.

Seed Listings

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if he will specify those tests and trials conducted in respect of genetically modified seeds, which fall under *(a)* Regulation 11(1) of the Seeds (National List of Varieties) Regulations 1982, *(b)* Regulation 11(2) of those Regulations, *(c)* Regulation 11(3) of those Regulations, *(d)* Regulation 11A of those Regulations, *(e)* Regulation 12(2) of the Plant Breeders' Rights Regulations 1978, *(f)* any other specified statutory provision and *(g)* no statutory provision. [41516]

Mr. Rooker: Plant Varieties are tested for Distinctness, Uniformity and Stability (DUS) for the purposes of National Listing and plant breeders' rights. The main agricultural species are also trialled, for National List purposes only, to establish whether they have Value for Cultivation and Use (VCU). These requirements apply to all varieties, regardless of whether they are genetically modified or not, although genetically modified varieties cannot be entered in tests and/or trials unless a consent to release has been granted by the Secretary of State in accordance with the Environmental Protection Act 1990 and the Genetically Modified Organisms (Deliberate Release) Regulations 1992, as amended. The tests and trials must also comply with any conditions imposed in release consents.

Tests and trials conducted on plant varieties under the provisions specified are:

(a) DUS tests and VCU trials are conducted pursuant to Regulation 11(1) of the Seeds (National Lists of Varieties) Regulations 1982 (the 1982 Regulations).

(b) No tests or trials are conducted pursuant to Regulation 11(2) of the 1982 Regulations.

(c) Regulation 11(3) of the 1982 Regulations requires applicants to submit the results of their own value trials on varieties with their National List applications. However, experience has shown that this information is of little value in assessing National List applications and the Department has not required applicants to comply with these provisions since 1995.

(d) Ministers have licensed the British Society of Plant Breeders Ltd. to conduct VCU trials for National List purposes for varieties of the main species of cereals, fodder plants, legumes and winter oilseed rape and linseed, under Regulation 11A of

the 1982 Regulations. Similarly, Ministers have licensed the British Sugar Beet Seed Producers Association to undertake VCU trials in respect of sugar beet varieties entered for National Listing.

(e) The Controller of Plant Breeders' Rights has not required any applicant for plant breeders' rights in respect of a genetically modified variety to undertake his or her own tests or trials, pursuant to Regulation 12(2) of the Plant Breeders' Rights Regulations 1978 (as amended). (These Regulations were repealed by the Plant Breeders' Rights Regulations 1998 on 8 May 1998).

(f) There are no other statutory tests or trials conducted pursuant to the 1982 Regulations or plant breeders' rights legislation. However, Regulation 32 of the 1982 Regulations enables plant breeders to undertake their own tests and trials before submitting a National List application. It also enables National List applicants to undertake their own tests and trials and to multiply seed varieties while a National List application is under consideration. These are commercial matters for the applicant, provided he or she complies with the 1982 Regulations and (in the case of a genetically modified variety) with all conditions attached to the release consent.

(g) As part of the normal co-operation between testing authorities, the United Kingdom Plant Variety Rights Office is undertaking tests for Distinctness, Uniformity and Stability on behalf of the Belgian authorities in respect of 11 genetically modified oilseed rape varieties.

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if he will list the tests and trials which have been or are being conducted in respect of genetically modified seeds; and if he will place the results in the Library. [41515]

Mr. Rooker: The Department undertakes statutory tests and trials on plant varieties in respect of applications for plant breeders' rights or addition to the National List. Tests for Distinctness, Uniformity and Stability (DUS) are undertaken in respect of applications for plant breeders' rights under the Plant Varieties Act 1997 (the Plant Varieties and Seeds Act 1964, which preceded the 1997 Act, also required DUS tests). Tests for DUS and trials to establish Value for Cultivation and Use (VCU) are undertaken in respect of applications for National Listing. The Department is currently considering 13 applications for plant breeders' rights, 11 applications for addition to the National List and 9 combined plant breeders' rights/National List applications in respect of plant varieties which are genetically modified organisms.

The species concerned are as follows:

	Varieties
Plant breeders' rights only	
Oilseed Rape	13
National List only	
Oilseed Rape	5
Sugar Beet	5
Maize	1
Combined plant breeders' rights/National List applications	
Oilseed Rape	9

As yet, no reports of tests or trials have been finalised. When a DUS test undertaken for the purpose of assessing an application for plant breeders' rights is completed, a proposed decision on the variety concerned will be published in the Plant Varieties and Seeds Gazette. At the same time, a description of the variety will be placed on the public register and a copy of the DUS report will be publicly available in accordance with Regulation 12 and 13 of the Plant Breeders' Rights Regulations 1998 (the first DUS reports are expected to be publicly available in July of this year).

Reports of DUS tests undertaken solely for the purposes of assessing National List applications, and results of VCU trials, will be available on request to my Department, once tests and trials are complete for a variety and a proposed decision on whether or not it should be added to the National List has been published in the Plant Varieties and Seeds Gazette.

I am taking steps to ensure that the Plant Varieties and Seeds Gazette is placed in the Library of the House on a regular basis. Hon. Members may then obtain copies of reports in respect of any variety which is of interest to them.

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if seed trials and tests in connection with national seed listing applications are also regarded by his Department as seed trials and tests in connection with plant breeders' rights applications, and vice versa. [41522]

Mr. Rooker: Varieties entered for plant breeders' rights under the Plant Varieties Act 1997 (and the legislation which preceded it) are tested for Distinctness, Uniformity and Stability (DUS). Varieties entered for National Listing are also tested for DUS. A DUS test undertaken for plant breeders' rights purposes is acceptable for National List purposes. In most circumstances, a DUS test initially undertaken for National List purposes is also acceptable for plant breeders' rights. There may, however, be isolated instances when a DUS test undertaken initially for National List purposes is not entirely acceptable for assessing an application for plant breeders' rights. This is because Distinctness must be established in an international context for plant breeders' rights, whereas for National List purposes, it needs to be established only in comparison with varieties on a National List of another Member State or on the Common Catalogue.

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if applicants for national seed listings must submit the results of seed trials and tests to his Department in connection with applications for national seed listing. [41521]

Mr. Rooker: No.

SCOTLAND

Deafness

Mrs. Ray Michie: To ask the Secretary of State for Scotland what targets he has set for delivering deaf awareness training to general practitioners; and if he will make a statement. [41633]

Mr. Galbraith: There are no set targets for delivering deaf awareness training to general practitioners. However, my Department has recently issued guidance to all Health Boards and NHS Trusts reminding them of their responsibilities for having appropriate arrangements in place to ensure that deafblind people are afforded the

services of a guide/communicator when they attend hospital or GP surgery. This is now part of a wider agenda concerning people with disabilities which flows from the Disability Discrimination Act 1995, and in particular the provisions within the Act governing access to services and employment. I intend shortly to issue guidance to NHS Trusts in Scotland on applying this part of the Act, including specific reference to treatment of deaf and deafblind people.

Mrs. Ray Michie: To ask the Secretary of State for Scotland what resources have been made available for the provision of services for young deaf adults in each year since 1987; and if he will make a statement. [41634]

Mr. Galbraith: The information required to answer this question is not held centrally and could be obtained only at disproportionate cost.

Mrs. Ray Michie: To ask the Secretary of State for Scotland if he will make a statement on the current length of waiting lists for the provision of *(a)* a hearing test and *(b)* a hearing aid in each Scottish health board area. [41632]

Mr. Galbraith: Information on waiting lists at audiometry and hearing aids clinics is not collected centrally.

Pesticides

Mr. Baker: To ask the Secretary of State for Scotland (1) how many products containing glufosinate ammonium he has *(a)* approved and *(b)* refused approval; and if he will place a copy of all approvals and extensions in the Library; [41513]

(2) how many of the approvals he has given or extended for products containing glufosinate ammonium allow use near to, or in connection with, the production of edible crops. [41514]

Mr. Macdonald: I refer the hon. Member to the answer he received today from my hon. Friend the Minister of State, Ministry of Agriculture, Fisheries and Food.

Genetically Modified Seeds

Mr. Baker: To ask the Secretary of State for Scotland (1) if he will list the tests and trials conducted in respect of genetically modified seeds; and if he will place the results in the Library; [41518]

(2) if he will specify those tests and trials conducted in respect of genetically-modified seeds, which fall under *(a)* Regulation 11(1) of the Seeds (National List of Varieties) Regulations 1982, *(b)* Regulation 11(2) of those Regulations, *(c)* Regulation 11(3) of those Regulations, *(d)* Regulation 11A of those Regulations, *(e)* Regulation 12(2) of the Plant Breeders Rights Regulations 1978, *(f)* any other specified statutory provision and *(g)* no statutory provision. [41519]

Mr. Macdonald: I refer the hon. Member to the answer he received today from my hon. Friend, the Minister of State, Ministry of Agriculture, Fisheries and Food.

Mr. Baker: To ask the Secretary of State for Scotland what statutory provisions govern the conduct of tests and trials in respect of genetically modified seeds; and if he will make a statement. [41520]

Mr. Macdonald: I refer the hon. Member to the answer he received today from the Under-Secretary of State for the Environment, Transport and the Regions, my hon. Friend the Member for Wallasey (Angela Eagle).

Further Education

Mr. Moore: To ask the Secretary of State for Scotland what was the value of the fixed element cost of grant-in-aid for the Scottish further education sector for 1998–99. [41732]

Mr. Wilson: I refer to the answer given to the hon. Member on 12 May 1998, *Official Report*, column *87*.

Mr. Moore: To ask the Secretary of State for Scotland (1) how many weighted standard units of measurements there were in the Scottish further education sector for academic years *(a)* 1994–95, *(b)* 1995–96 and *(c)* 1996–97; [41731]

(2) what was the value of the weighted standard units of measurement in the Scottish further education sector in *(a)* 1996–97, *(b)* 1997–98 and *(c)* 1998–99. [41671]

Mr. Wilson: Weighted Student Units of Measurement (WSUMs) are used in the funding methodology which determines the allocation of recurrent grant to further education colleges. The numbers of WSUMs and the average value per WSUM are set out in the tables for the years in question. The average value has been determined by dividing the amount of funding allocated by the number of WSUMs used in the funding methodology for the appropriate year.

Year	*Number of WSUMs*
1994–95	1,528,517
1995–96	1,667,042
1996–97	1,843,665

£

Year	*Average 'value' per WSUM*
1996–97	151
1997–98	139
1998–99	125

Mr. Moore: To ask the Secretary of State for Scotland what was the sector average unit cost per weighted standard unit of measurement of Scottish Office Education and Industry Department fundable activity for the Scottish further education sector for *(a)* 1995–96 and *(b)* 1996–97. [41733]

Mr. Wilson: The sector average unit cost per weighted student unit of measurement of Scottish Office Education and Industry Department fundable activity within the Scottish further education sector was £195 in 1995–96

and £180 in 1996–97. Over this period activity in the sector increased by an average of 10.6 per cent., and an efficiency gain of 10.57 per cent. in real terms was achieved.

NHS Trusts

Mr. Moore: To ask the Secretary of State for Scotland if he will list for each NHS trust in Scotland the projected deficits or surpluses, excluding the write down in value of trust assets, itemised in the monthly monitoring returns for 31 December 1997, indicating the total of the projected deficits or surpluses. [41812]

Mr. Galbraith: The table provides the information requested, as well as the most up to date figures available from the Trust monitoring returns.

£000

Full year surplus/(deficit) excluding profit/loss on disposal of fixed assets	*As at 31 December 1997*	*As at 31 March 1998*
Aberdeen Royal hospitals	473	417
Angus	150	189
Argyll and Bute	(5)	11
Ayrshire and Arran Community	96	258
Borders General	(100)	56
Borders community	107	131
Caithness and Sutherland	40	12
Central Scotland Healthcare	78	81
Dumfries and Galloway acute and maternity	173	230
Dumfries and Galloway Community	83	98
Dundee Healthcare	70	126
Dundee Teaching	101	(333)
East and Midlothian	136	183
Edinburgh Healthcare	689	710
Edinburgh Sick Children's	0	71
Falkirk and District Royal Infirmary	57	31
Fife Healthcare	1,910	2,149
Glasgow Dental Hospital and School	20	56
Glasgow Royal Infirmary	(1,271)	446
Grampian Healthcare	136	364
Greater Glasgow Community and Mental Health	375	177
Hairmyres and Stonehouse	170	253
Highland Communities	(7)	148
Inverclyde Royal	105	108
Kirkcaldy Acute	117	195
Lanarkshire Healthcare	370	412
Law Hospital	190	190
Lomond Healthcare	5	27
Monklands and Bellshill	380	616
Moray Health Services	20	27
North Ayrshire and Arran	(65)	1,594
Perth and Kinross Healthcare	205	220
Queen Margaret Hospital	325	357
Raigmore Hospital	50	209
Renfrewshire Healthcare	139	227
Royal Alexandra	355	338
Royal Infirmary of Edinburgh	145	223
Scottish Ambulance Service	30	118
South Ayrshire	60	232
Southern General	126	378
Stirling Royal	(53)	3
Stobhill	120	102
Victoria Infirmary	(1,823)	423
West Glasgow Hospitals	(847)	(556)
West Lothian	472	497
Western General Hospitals	120	102
Yorkhill	(71)	(125)
Total	3,956	11,781

FOREIGN AND COMMONWEALTH AFFAIRS

Indonesia

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps have been taken to implement the six-point plan for co-operation on human rights with Indonesia announced in August 1997; and what are the estimated total costs of the plan. [41537]

Mr. Fatchett: We shall shortly be purchasing computer equipment for the Indonesian National Human Rights Commission (KomnasHam). Further work is in hand to assist the Indonesian Legal Aid Foundation (LBH) in the development of their computer system; £25,000 budgeted for so far on computer projects. A substantial collection of books on good governance, democracy and public administration was recently presented to KomnasHam; cost £2,000.

Twenty scholarships for studies relating to human rights and good governance will be awarded this year under the Chevening Scholarship Scheme; estimated cost £300,000. We have identified three Indonesians working in areas related to human rights to attend the Oxford University Course on International Human Rights Law starting this July; estimated cost £14,000. Training under the current Government's police training initiative has not yet begun; costs will be subject to a needs assessment visit which is due to take place shortly. This will take account of the circumstances prevailing at the time.

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the results of his Department's provision of training for Indonesian police officers; and what is the estimated cost to his Department. [41662]

Mr. Fatchett: Training under the current Government's police training initiative has not yet begun. A needs assessment visit to Indonesia will take place shortly. This will take account of the circumstances prevailing at the time. An estimate of the cost of this training will be easier to make in the light of the conclusions of this visit.

Classified Information

Mr. Blunt: To ask the Secretary of State for Foreign and Commonwealth Affairs if Mr. Mathieson has access to classified information within his Department. [42095]

Mr. Robin Cook: My letter of appointment to Mr. Mathieson states that I do not envisage him having access to classified papers; and that he is required to exercise care in the use of official information acquired in the course of his duties and not to disclose without my prior authorisation information which is held in confidence.

East Timor

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list those who will be present on the Troika mission to East Timor on 6 to 10 June; and if their report will be made public. [41916]

Mr. Fatchett: HM Ambassador in Jakarta will be accompanied by the Austrian Ambassador, the Netherlands Ambassador (representing Luxembourg),

the Commission Representative in Jakarta and a member of the EU Council Secretariat. Their report will be submitted to the General Affairs Council for consideration.

Papers and Correspondence

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the average time taken by him to sign off *(a)* policy papers and *(b)* correspondence from the date they are first submitted. [41845]

Mr. Robin Cook: I deal with policy papers and correspondence as soon as practicable. Whether that is as soon as the documents are submitted, or shortly thereafter, depends on my other commitments, including absence from the office overseas.

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs what papers, telegrams and correspondence submitted to him by his Department and placed in his red boxes are currently awaiting a decision after a period of two weeks. [41822]

Mr. Robin Cook: None.

Arms Exports

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will draw up and publish an ethical code concerning arms exports, with particular reference to UN resolutions. [41834]

Mr. Tony Lloyd: I refer to the answer my right hon. Friend the Foreign Secretary gave my hon. Friend the Member for East Ham (Mr. Timms) on 28 July 1997, *Official Report*, columns *26–29*, announcing the criteria to be used when considering licence applications for the export of conventional arms. These criteria specify that an export licence should be refused if approval would be inconsistent with the UK's international obligations and commitments to enforce UN arms embargoes.

The UK takes seriously its obligations to implement UN Arms Embargoes and expects other countries to do the same. Within the EU, we are working towards an EU Code of Conduct that will set high common standards for arms exports from all EU Member States. The latest draft of the Code contains similar wording on Member States' international obligations and the commitments to enforce UN arms embargoes.

HEALTH

Cosmetic Surgery

Ann Clwyd: To ask the Secretary of State for Health what representations he has received concerning the private sector cosmetic surgery industry. [23005]

Mr. Boateng: Since 1 May 1997 we have received 14 letters and hon. Members have asked ten Parliamentary Questions relating to private cosmetic surgery.

Nurses

Mr. Paterson: To ask the Secretary of State for Health (1) how many vacancies for qualified nurses are currently notified *(a)* in England and *(b)* in the constituency of North Shropshire; [29969]

(2) how many people are currently undertaking training for nursing qualifications. [29975]

Mr. Milburn: The information requested on training is in the table. Information on vacancies for qualified nurses is not collected centrally.

Pre-registration nursing[1]

In training populations

Level 1	*Part of the register*	*1997*
General	1	9,595
Mental health	3	1,120
Mental handicap	5	264
Sick children	8	842
Adult	12	23,798
Mental health	13	5,138
Learning disability	14	1,417
Children's	15	3,751
Common foundation programme	—	2,111
Total	—	48,036

[1] *Source:*
English National Board for Nursing, Midwifery and Health Visiting (ENB) Annual Report 1996–97.

Midwifery, health visiting and district nursing[1]

In training populations

	1997
Midwifery	3,521
Health visiting	143
Specialist practice—public health (HV)	455
All health visiting	598
District nursing	139
Specialist practice—district nursing	401
All district nursing	540
Total	5,797

[1] *Source:*
ENB Annual Report 1996–97.

Contraceptive Pills

Mr. Martyn Jones: To ask the Secretary of State for Health how many women used the contraceptive pill in each year since 1993. [32089]

Ms Jowell: The information is not available in the format requested. The General Household Survey (GHS) conducted by the Office for National Statistics estimated that in 1993 and 1995, 25 per cent. of women aged 16 to 49 in Great Britain used the contraceptive pill. Information is not available for the other years requested because the GHS only asked the specific question on contraception in 1993 and 1995.

Cancer Services

Mr. Love: To ask the Secretary of State for Health what action he has taken to implement the recommendations of the Calman report on the provision

of cancer services in the NHS *(a)* nationally and *(b)* in the North Thames region; and if he will make a statement. [38377]

Mr. Boateng: We remain committed to improving cancer care, and achievement of the cancer targets within *The New NHS* and *Our Healthier Nation* will be set firmly within the ongoing implementation of the Calman/Hine recommendations. Nationally, a great deal of work has already been undertaken to agree the provision and standard of cancer services at each individual potential cancer centre or cancer unit. To support the implementation, commissioning guidance is being produced on the commoner cancers to help health authorities, hospitals, primary care and community services focus on areas most likely to make a difference to the outcomes of treatment. The first guidance document "Improving Outcomes in Breast Cancer" was published in July 1996. The second "Improving Outcomes in Colorectal Cancer" was published on 24 November 1997. Guidance on lung cancer and the gynaecological cancers is planned for 1998–99.

In the North Thames region, the majority of health authorities have focused initially on breast cancer services and have agreed standards of care for their cancer units based on the best guidance. Progress has also been made on the designation of those units that will provide services for colorectal, lung and gynaecological cancers.

Designation status for cancer centres was agreed after a process of review jointly by clusters of relevant health authorities using standards drawn from the Calman/Hine report and agreed by all the health authorities. This process resulted in five centres being designated by November 1997. The centres are located at the following trusts: the Hammersmith Hospitals, Mount Vernon and Watford, the Royal London Hospitals/Havering Hospitals (joint centre), Southend Health Care, and the University College London Hospitals/Royal Free Hampstead (joint centre). A further two aspiring centres are exploring how they could collaborate with other trusts to strengthen their position in the cancer network. All the designated centres were required to produce action plans to set out how they would address issues and service gaps identified during the designation process and these are being closely monitored by the health authorities.

The designated centres are starting work on protocols of care for each cancer. Health authorities and trusts across the Region have also developed a pan-regional audit process for breast cancer so that feedback can be given to providers on their comparative performance against key standards. A similar audit is being developed for colorectal cancer.

Departmental Reviews

Mr. Nicholls: To ask the Secretary of State for Health if he will list the costs of each of the reviews currently in progress in his Department; when the reviews are expected to report; and if he will make a statement. [40890]

Ms Jowell: Information requested about the reviews currently in progress in the Department is set out in the table.

Review	*Anticipated date of report*	*Costs (to date)* £
Review of evidence relating to silicone breast implants	June 1998	[1]60,000
Review of Aspects of Surrogacy Law	July 1998	[1]5,000
National Health Service Charter Advisory Group (Review of Patient's Charter)	Summer 1998	[2]78,000
Review of the latest information available on inequalities in health	Autumn 1998	[1]54,000

[1] Costs exclude officials' time since these cannot be differentiated from the normal running costs of Departmental business
[2] Costs include some officials' time since in this case it was possible to differentiate these from normal running costs

Primary Care Groups

Mr. Maples: To ask the Secretary of State for Health if the new primary care commissioning groups will be able to use their budgets to purchase specialist services from independent providers. [41542]

Mr. Milburn: Existing guidance to the National Health Service, issued for the 1998–99 commissioning round, is that health authorities and NHS trusts should explore the scope to make maximum cost-effective use of local NHS capacity before contemplating recourse to private sector hospital provision. Where care is nonetheless commissioned from private hospitals, the reasons must be reported to the Regional Office of the NHS Executive.

In the White Paper *The New NHS* we promised to introduce new arrangements for commissioning specialised services for 1 April 1999. We have issued a draft guidance document for wide consultation, with responses due by 1 June 1998. Further guidance on Primary Care Groups will be issued in due course.

Incontinence

Ms Shipley: To ask the Secretary of State for Health in respect of how many people Dudley Health Authority currently provides continence services; and what budget it has allocated to continence care in real terms in each year since 1990–91. [41750]

Mr. Milburn: This information is not routinely collected by the Department, but local information provided shows that the number of Dudley Health Authority residents currently provided with incontinence pads and other similar methods is 3,021.

Expenditure from 1992–93 to 1998–99 is as follows:

Year	*£000*
1997–98	[1]503
1996–97	407
1995–96	357
1994–95	345
1993–94	304
1992–93	242

[1] Includes £30,000 winter pressures money

Note:
It is not possible to obtain data prior to 1992–93

Mr. Oaten: To ask the Secretary of State for Health (1) what funding his Department has given to voluntary organisations providing support for incontinent people in each year since 1990–91; [41912]

(2) what research his Department has undertaken into the number of incontinent people in the UK seeking advice and products outside the NHS; [41911]

(3) when the NHS will issue national guidance on the treatment of incontinence. [41913]

Mr. Milburn: I refer the hon. Member to the reply I gave the hon. Member for Belfast, South (Rev. Martin Smyth) on 5 May 1998, *Official Report*, column *349*.

Mr. Oaten: To ask the Secretary of State for Health how many people have been on waiting lists in *(a)* Winchester and *(b)* North and Mid Hampshire for continence pads from the NHS for more than *(a)* one month, *(b)* three months and *(c)* six months. [41910]

Mr. Milburn: The information requested is not available centrally. The hon. Member may wish to contact Ms Frances Sheldon, Chairman of North and Mid Hampshire Health Authority, for this information.

Ambulances

Mr. Webb: To ask the Secretary of State for Health when he plans to reply to the question from the hon. Member for Northavon tabled on 11 March 1998 [34562] regarding ambulance vehicle ages. [42307]

Mr. Milburn: I replied to the hon. Member on 13 May 1998.

EC Health Council

Mr. Gapes: To ask the Secretary of State for Health if he will make a statement about the outcome of the EC Health Council meeting on 30 April. [42426]

Ms Jowell: I chaired the meeting of the European Community Health Council on 30 April in Luxembourg, on behalf of the United Kingdom Presidency of the European Union.

In an open debate on the future framework for action in the field of public health, the Council explored three strands for future action: improving information for the development of public health; reacting rapidly to threats to health; and tackling the determinants of health through health promotion and disease prevention. The Council also discussed the limitations of the present disparate funding programmes, and the importance of improved efforts to ensure that health protection requirements form a constituent part of other Community policies. The Council agreed common positions on the proposed programmes of Community action on rare diseases and on pollution-related diseases. Agreement was also reached on a Council Recommendation on the suitability of blood and plasma donors and the screening of donated blood. The Council agreed conclusions on Transmissible Spongiform Encephalopathies, and on the integration of health protection requirements in Community policies. Progress was noted on the Community's role in combating tobacco consumption, on the Commission proposal for a programme of action on injury prevention, and on the European Union-United States Task Force on communicable diseases.

NHS Employees (Health)

Helen Jones: To ask the Secretary of State for Health what action he is taking to tackle ill-health among NHS employees; and if he will make a statement. [41850]

Mr. Milburn: We are committed to improving the health, safety and welfare of National Health Service staff. Our priorities are to reduce sick absence, organisational stress, accidents and violence and to increase staff control over the hours they work.

Action being taken includes: the publication on 18 May of new guidance on "*The Management of Health, Safety and Welfare Issues for NHS Staff*"; the production of a model for the management of organisational stress; the organisation of 8 health and safety roadshows to be held in the autumn as a forum for the exchange of good practice; research to identify good practice examples of ways in which violence against staff working in the community can be reduced, for publication in the summer; and an evaluation of self-rostering pilots to be published later this year.

Helen Jones: To ask the Secretary of State for Health if he will list the sickness absence levels for each grade of staff in *(a)* Warrington Hospital NHS Trust and (b)Warrington CHC Trust for each of the past five years. [41855]

Mr. Milburn: This information can be obtained from the two National Health Service trusts. Therefore my hon. Friend may wish to contact Mr. Norman Banner, Chairman of Warrington Hospitals NHS Trust and Mr. John Gartside, Chairman of Warrington Community NHS Trust for further information.

Helen Jones: To ask the Secretary of State for Health what assessment he has made of the relative incidence of ill-health among the NHS workforce compared to levels in other occupations; and if he will make a statement. [41853]

Mr. Milburn: Statistics of the incidence of ill-health among the National Health Service workforce are not currently collected centrally, but we are looking at the feasibility of doing this. Guidance has been issued to help NHS managers locally to collect and act upon sickness absence data.

Research and Development

Helen Jones: To ask the Secretary of State for Health if he will list the amounts of research and development support funding allocation to each NHS trust in the North West Region for each of the past five years. [41849]

Ms Jowell: The table lists the research and development support funding to National Health Service trusts in the north west region.

Research and development support funding to NHS providers in the North West Region 1994–99

£000

North West Regional Office	A 1994–95	B 1995–96	C 1996–97	D 1997–98	E 1998–99
Aintree Hospitals	636	842	901	945	922
Blackburn, Hyndburn and Ribble Valley Health Care NHS Trust	12	14	24	9	0
Blackpool Victoria Hospital NHS Trust	11	15	25	31	0
Blackpool, Wyre and Fylde Community NHS Trust	0	0	0	0	0
Bolton Hospitals NHS Trust	29	34	46	36	0
Burnley Health Care NHS Trust	12	14	23	24	0
Bury Healthcare NHS Trust	9	11	18	1	0
Calderstones NHS Trust	0	0	0	68	71
Cardiothoracic Centre Liverpool NHS Trust	76	96	100	123	137
Central Manchester Healthcare NHS Trust	2,794	3,824	3,773	5,286	5,228
Cheshire Community Health Care NHS Trust	0	0	0	25	0
Chester and Halton Community NHS Trust	0	0	0	34	0
Chorley and South Ribble NHS Trust	0	0	0	0	0
Christie Hospital NHS Trust	144	180	171	858	1,006
Clatterbridge Centre for Oncology NHS Trust	13	23	23	59	64
Communicare NHS Trust	0	0	0	13	0
Community Healthcare Bolton, NHS Trust	0	0	0	17	0
Countess of Chester Hospital Trust	75	91	113	129	132
Cumbria Ambulance Service NHS Trust	0	0	0	0	0
East Cheshire NHS Trust	0	2	7	5	0
Furness Hospitals NHS Trust	7	0	4	1	0
Greater Manchester Ambulance Service NHS Trust	0	0	0	0	0
Guild Community Healthcare NHS Trust	4	0	5	183	187
Halton General Hospital NHS Trust	22	26	29	52	54
Lancashire Ambulance Service NHS Trust	0	0	0	0	0
Lancaster Acute Hospitals NHS Trust	12	14	21	23	26
Lancaster Priority Services NHS Trust	0	0	0	0	0
Liverpool Women's Hospital	261	332	368	380	374
Manchester Children's Hospitals	548	635	763	1,009	1,025
Mancunian Community Health NHS Trust	0	17	8	21	0
Mental Health Services of Salford	0	0	13	348	432
Mersey Regional Ambulance Service NHS Trust	0	0	0	0	0
Mid Cheshire Hospitals NHS Trust	18	23	35	13	0
North Manchester NHS Healthcare Trust	406	526	570	472	477
North Mersey Community NHS Trust	0	4	101	51	93
Oldham NHS Trust	11	19	21	51	0
Preston Acute Hospitals NHS Trust	11	15	25	33	33
Rochdale Healthcare NHS Trust	9	11	16	9	0
Royal Liverpool and Broadgreen University Hospitals NHS Trust	2,360	2,985	2,859	3,022	2,981
Royal Liverpool Children's NHS Trust	498	624	683	700	683
Salford Community Healthcare NHS Trust	0	3	3	23	0
Salford Royal Hospitals NHS Trust	1,617	1,874	2,271	2,373	2,353
South Cumbria Community and Mental Health NHS Trust	0	0	0	0	0
South Manchester University Hospital (NHS) Trust	2,302	2,897	3,215	3,141	3,098
Southport and Formby Community Health Services NHS Trust	0	1	2	1	0
Southport and Formby NHS Trust	11	18	21	7	0
St. Helens and Knowsley Community Health (NHS) Trust	0	0	0	22	0
St. Helens and Knowsley Hospitals Trust	231	279	303	321	325
Stockport Acute Services NHS Trust	10	15	19	12	0
Stockport Healthcare NHS Trust	31	45	51	102	104
Tameside and Glossop Acute Services NHS Trust	3	8	10	3	0
Tameside and Glossop Community and Priority Services NHS Trust	0	0	0	1	133
The Walton Centre for Neurology and Neurosurgery	170	214	238	124	160
Trafford Healthcare NHS Trust	13	16	26	42	47
Warrington Community Healthcare NHS Trust	0	1	4	14	0
Warrington Hospital NHS Trust	20	26	37	33	34
West Lancashire NHS Trust	6	11	16	11	0
Westmorland Hospitals NHS Trust	0	0	0	0	0
Wigan and Leigh Health Services NHS Trust	13	15	23	18	0
Wirral and West Cheshire Community Trust	0	0	0	2	79
Wirral Hospital NHS Trust	138	162	183	121	118
Wrightington Hospital NHS Trust	0	0	0	0	0
Total	12,543	15,962	17,167	20,412	20,386

Notes:

A/B/C—Research element of "Service Increment for Teaching and Research" (SIFTR). Increases year on year due to a number of factors including additional funding made available and the incorporation of capital charges.

D—Results of Culyer Declaration of actual R&D costs in 1996–97 uplifted by inflation. N.B. Difference between R&D Allocation in 1996/97 and 1997/98 was transferred from purchaser baslines to provide "steady-state" funding to providers for 1997/98.

E—Result of first competitive bidding round of the New Funding System.

PRESIDENT OF THE COUNCIL

Drugs

Mr. Flynn: To ask the President of the Council how many and what percentage of those aged under 25 years she estimates have used *(a)* cannabis, *(b)* ecstasy, *(c)* heroin and *(d)* cocaine. [41611]

Mrs. Ann Taylor: The British Crime Survey gives estimates of drug use among people aged 16 to 24 living in private households in England and Wales. The most recent estimates are from the 1996 survey, when 39 per cent. of people in this age group said they had used cannabis at some time. 11 per cent. had used ecstasy; 1 per cent. had used heroin; and 4 per cent. had used cocaine.

The estimates of heroin, cocaine and ecstasy use should be treated with great caution, partly because they are subject to very large sampling error, and partly because a household survey such as the BCS is likely to under-represent current users.

The table gives the range, together with the mid-point estimate. The estimates for cannabis use are fairly precise, while those for the other drugs are not.

Number of 16 to 24 year olds using named drugs (95 per cent. confidence intervals)

Thousand

Named drugs	*Lower estimate*	*Higher estimate*	*Mid-point*
Cannabis: ever used	2,100	2,400	2,300
Ecstasy: ever used	540	770	650
Cocaine: ever used	170	320	240
Heroin: ever used	30	110	60

Source:

1996 BCS. Weighted data.

Mr. Flynn: To ask the President of the Council what estimate she has made of the average age of those in the United Kingdom first using *(a)* cannabis, *(b)* ecstacy, *(c)* heroin and *(d)* cocaine. [41610]

Mrs. Ann Taylor: This information is not currently available. However, one of the performance indicators set out in the new Government drugs strategy, "Tackling Drugs to Build a Better Britain" is

"to delay age of first use of illegal drugs".

During this year we will commission research to determine baseline indicators of current age of first use of illegal drugs. The UK Anti-Drugs Coordinator's first Annual Report and Plan of Action, to be published in March, will then set out the targets towards which we will be working.

Mr. Flynn: To ask the President of the Council what assessment she has made of the impact on ecstasy use of the Sorted campaign. [41613]

Mrs. Ann Taylor: The 'Sorted' anti-drugs campaign was not a Government campaign and has not to our knowledge been evaluated.

DEFENCE

Gulf War Veterans

Dr. Gibson: To ask the Secretary of State for Defence if he will make a statement on fertility levels among service men who participated in the Gulf War. [41502]

Dr. Reid: The question of whether service in the Gulf has affected the fertility of male Gulf veterans is being addressed as part of a MOD-funded epidemiological study currently being conducted by a team led by Dr. Patricia Doyle of the London School of Hygiene and Tropical Medicine. This study is examining the reproductive health of Gulf veterans, both male and female, and the health of their children. Dr. Doyle's team will shortly begin sending out questionnaires for the main phase of this study to all Gulf veterans and to a control group of Service personnel who did not deploy to the Gulf. We expect that results will begin to emerge from this study by mid-2000.

NATO Expansion

Mr. Gordon Prentice: To ask the Secretary of State for Defence what representations he has received from serving and retired military personnel cautioning against the expansion of NATO to include Poland, Hungary and the Czech Republic. [41587]

Mr. George Robertson: I and other Ministers regularly receive representations relating to European security issues from individuals and groups in all walks of life, expressing a variety of views. I am confident that the accession to NATO of the Czech Republic, Hungary and Poland is in the best interests of the Alliance and of European security as a whole.

Visiting Forces

Mr. Baker: To ask the Secretary of State for Defence what agreements are in place in respect of the cost of, and timetable for, removal of polluted matter from RAF bases, where that matter can reasonably be assumed to have been caused by visiting US forces. [41777]

Dr. Reid: In the case of returned sites, under the terms of the confidential UK/US bilateral cost sharing arrangement, responsibility lies with the Ministry of Defence for rectifying any contamination caused by defence activities which may subsequently be discovered. United States Visiting Forces are expected to observe and abide by environmental protection standards at least equal to UK legislative requirements. If environmental pollution were discovered at a base made available to the United States Visiting Forces, they would normally be responsible for ensuring that the appropriate remedial action was carried out. The timescales for the removal of polluted matter would have to be set on a case by case basis.

RAF Menwith Hill

Mr. Baker: To ask the Secretary of State for Defence if the new space based infra-red system under construction at RAF Menwith Hill will be operated by US forces personnel. [41779]

Dr. Reid: I confirm that the system will be operated by US personnel.

Mr. Baker: To ask the Secretary of State for Defence what was the total cost of employing Ministry of Defence Police at RAF Menwith Hill in the most recent year for which figures are available; and what proportion of the cost was met by *(a)* his Department and *(b)* the US Government. [41776]

Dr. Reid: The Ministry of Defence Police is a civilian police force constituted under statute by the Ministry of Defence Police Act 1987. The Chief Constable of the Ministry of Defence Police is independent of Ministerial, Departmental and political influence in the exercise of his constabulary powers. The total cost of policing RAF Menwith Hill for financial year 1997–98 was £1,915,122 of which £1,762,263 was recovered from the US Government. The US Government refund my Department all Ministry of Defence Police costs, other than overtime occasioned by the activities of protesters, in respect of RAF Menwith Hill.

Holy Loch

Mr. Baker: To ask the Secretary of State for Defence what is the total estimated cost of the operation to remove debris and waste from Holy Loch. [41778]

Mr. Spellar: £5m.

Strategic Defence Review (Cadets)

Mr. Laurence Robertson: To ask the Secretary of State for Defence what representations he has received in respect of the impact on cadet services of the Strategic Defence Review. [41670]

Dr. Reid: A number of inquiries have been received by my Department concerning the possible impact of the Strategic Defence Review on the Cadet Forces. No decisions have yet been taken on the Strategic Defence Review but the Government fully recognise the contribution made by the Cadet Forces to national life, and Defence Ministers have made their support for the cadets clear on several occasions.

Written Answers to Questions

Monday 18 May 1998

ENVIRONMENT, TRANSPORT AND THE REGIONS

Brown-field Sites

Dr. Gibson: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to ensure there are no procedural delays in the contracting of decontaminated brown-field land sites. [39497]

Angela Eagle: Contractual arrangements are a matter for the parties concerned and it is their responsibility to take account of compliance with any regulatory requirements in their project planning. In cases where a waste management licence is required for the remediation of contaminated land, the effect of section 36(9) of the Environmental Protection Act 1990 is to provide the Environment Agency with a basic period of four months in which to carry out statutory consultations and to determine an application. The Environment Agency is committed to providing an efficient and effective service and its Customer Charter includes the following commitment:

"We will make decisions on applications for waste licences within four months of receiving a full filled-in application, with all supporting information. For example, we may need proof of planning permission and financial guarantees. We will decide on any modifications to licences within two months of receipt and will deal with licences you send back to us within three months of receiving them. Complicated cases may take longer and we will agree upon a period when we will get back to you."

Air Traffic Control

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the capacity of NATS in terms of aircraft movements per hour over all of the peak hours at *(a)* City, *(b)* Southend and *(c)* Biggin Hill airports; and on what evidence this estimate was based. [39769]

Ms Glenda Jackson: I understand that discussions between National Air Traffic Services Limited and the airport operators are on-going. I have asked the Chairman of the Civil Aviation Authority to write to the hon. Gentleman on their completion.

Channel Tunnel

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for each year of its operation the number of incidents where drivers of trains using the Channel Tunnel have passed signals at red, broken down by *(a)* Eurostar, *(b)* freight and *(c)* car shuttle services. [41558]

Ms Glenda Jackson: The information requested is as follows:

Signals passed at red

	1995–96	*1996–97*	*1997–98*
(a) Eurostar	2	0	0
(b) Freight	0	0	1
(c) Car shuttle	3	6	6

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for each year of its operation the number of incidents where trains have been routed on to tracks where works were in progress in the Channel Tunnel. [41565]

Ms Glenda Jackson: The information requested is as follows:

Trains routed on to tracks where works were in progress

Year	*Number of incidents*
1995–96	0
1996–97	2
1997–98	2

All these incidents occurred on tracks within terminals.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for each year of its operation the number of incidents involving staff working without protection on tracks in or approaching the Channel Tunnel. [41561]

Ms Glenda Jackson: The information requested is as follows:

Staff working without protection on tracks in or approaching the Channel Tunnel

Year	*Number of staff*
1995–96	1
1996–97	0
1997–98	0

Nuclear Deterrence

Dr. Julian Lewis: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his oral answer of 8 April 1998, *Official Report*, column 349, on nuclear deterrence, on what basis he asserted that the question asked by the hon. Member for New Forest, East was not truthful; and for what reasons he has not replied to the letter from the hon. Member for New Forest, East on this matter. [41661]

Mr. Prescott: My reply to the hon. Gentleman on 8 April 1998, *Official Report*, column 349, was based on the following:

> I do not consider it "deplorable" to support unilateral nuclear disarmament
>
> I have no difficulty in the approval of nuclear deterrence
>
> neither I nor my right hon. Friend the Prime Minister has ever emulated "evasive and slippery techniques".

The hon. Gentleman should also be aware that CND supported unilateral and multilateral disarmament.

Regional Development Agencies

Sir Raymond Powell: To ask the Secretary of State for the Environment, Transport and the Regions if ministerial advisers are eligible for consideration as members of the proposed regional development agencies; and what sources of advisers Ministers are using in respect of such appointments. [41713]

Mr. Caborn: Civil servants, and special advisers holding temporary Civil Service status, are not eligible to be considered for membership of Regional Development Agency Boards. The selection process will be subject to independent scrutiny as required by the Commissioner for Public Appointments.

Lorries

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions (1) if the United Kingdom's obligations to allow 40 tonne lorries onto the roads after 1 January 1999 apply to lorries other than those involved in carrying international traffic; [41900]

(2) what plans he has to allow 44 tonne lorries onto United Kingdom roads; [41899]

(3) if he will ensure that drivers of 40 tonne lorries will be required to demonstrate to enforcement officers that they are engaged in an international journey by producing appropriate documentation. [41901]

Ms Glenda Jackson: The obligation to allow 40 tonne, 5 axle lorries on UK roads from 1 January 1999 applies only to international movements. We are considering whether or not 40 tonne vehicles should also be allowed for domestic movements and will announce the outcome in the White Paper on Integrated Transport. Enforcement issues will be taken into account in reaching our decision. 44 tonne, 6 axle vehicles have been allowed in the UK since 1994 for certain road/rail movements. We are considering whether or not to allow any wider use of these vehicles and will announce the outcome in the White Paper on Integrated Transport.

Refrigeration

Mrs. Brinton: To ask the Secretary of State for the Environment, Transport and the Regions what proposals he has to encourage the development of sustainable refrigeration technologies. [41904]

Angela Eagle: The DETR, through its Energy Efficiency Best Practice Programme, encourages the development of sustainable refrigeration technologies by the dissemination of independent, authoritative information such as Guides and Case Study material, on energy efficiency best practice. Also, through the future element of the Programme, it is able to offer financial assistance to those companies who are interested in researching and developing the energy efficiency technologies and techniques of the future.

There are other programmes under which proposals of this type could be considered, for example LINK, SMART, and research funding through the relevant Research Councils. Consideration is also given to such technologies under the Partners in Technology scheme.

The Government also encourage the refrigeration industry to sign up to the declaration of intent which it has agreed with the industry. This discourages the use of hydrofluorocarbons (HFCs) for any application where a risk of high emissions exists, by promoting the use of safe, reasonably practical, environmentally acceptable and energy efficient alternatives where available.

Hydrofluorocarbons

Mrs. Brinton: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to implement the recommendations of the 4th report of the British Government Panel on Sustainable Development published in February in respect of the use of hydrofluorocarbons. [41903]

Angela Eagle: The Government welcome the Fourth Annual Report of the Government Panel on Sustainable Development. The Panel's recommendations in respect of the use of hydrofluorocarbons are currently being considered along with the Panel's other recommendations and the Government aim to publish their response shortly.

Local Government Finance

Mr. Cawsey: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for each local authority *(a)* the amount collected as national non-domestic business rates, *(b)* the amount paid back to the local authority via Government grant and *(c)* the net gain or loss in the current financial year. [41906]

Ms Armstrong: I have today placed in the Library of the House a table showing *(a)* the amounts calculated by English billing authorities as their provisional contribution to the non-domestic rates pool for 1998–99, and *(b)* the amounts of redistributed non-domestic rates payable to each receiving authority in England for 1998–99.

The two amounts cannot be compared directly because (i) contributions to the non-domestic rates pool are made by billing authorities (eg London boroughs and district councils), whereas redistributed non-domestic rates are paid to all receiving authorities (including preceptors such as county councils and police authorities); (ii) the total redistributed from the pool includes amounts other than those received from billing authorities—ie payments in lieu of rates from Crown properties, payments from properties on the Central List, and Exchequer contributions to compensate the pool for income forgone as a result of transitional schemes.

Road Traffic Reduction Act

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on progress by local authorities towards implementing the provisions of the Road Traffic Reduction Act 1997. [41949]

Ms Glenda Jackson: Guidance to local authorities on implementing the provisions of the Road Traffic Reduction Act 1997 was issued in draft on 15 January for public consultation. The consultation closed on 20 April, and we are now considering the responses received with a view to issuing the final version of the guidance later this year.

Local authorities will need to take account of this guidance in deciding how they intend to meet their duties under the Act. However, they have been asked to report on the broad approach they envisage taking, and the role they see for traffic reduction targets in their area, as part of their bids for Transport Policies and Programme funding, to be submitted by 31 July 1998.

Liquefied Petroleum Gas

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions if he will review standard spending assessment formulae with a view to including incentives for local authorities to use vehicles which use liquid petroleum gas. [41950]

Angela Eagle: Proposals for changing standard spending assessment (SSA) formulae should be brought to the SSA Sub-Group of the Settlement Working Group, where possible changes to formulae are discussed by central and local government representatives. It should be noted, however, that SSAs are a measure of what an authority would need to spend in order to provide a similar level of service as other authorities, taking account of its demographic, social, economic and geographical characteristics. SSAs are not intended to provide incentives for local authorities to behave in any particular way. We seek to achieve this by using measures which do not depend upon the policies of local authorities.

A number of local authorities have benefited from grants from the Energy Saving Trust towards the purchase of vehicles which use liquefied petroleum gas and other alternative fuels. These grants, which are made through the Trust's Powershift programme, are funded by my Department.

Air Pollution

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions if he will list those local authorities which have adopted strategies to reduce air pollution by *(a)* five per cent., *(b)* 10 per cent., *(c)* 15 per cent., *(d)* 20 per cent. and *(e)* over 20 per cent. [41951]

Angela Eagle: This information is not held centrally. Under the new Local Air Quality Management (LAQM) system, which came into effect at the end of December 1997, district and unitary local authorities are currently reviewing the quality of the air within their area assessing it against statutory objectives for seven key pollutants. These objectives are based on those in the UK National Air Quality Strategy.

Localities must be designated Air Quality Management Areas where the review and assessment show that national measures will not ensure the objectives are achieved by the end of 2005. The relevant local authority must then prepare an action plan in pursuit of the objective(s).

The LAQM guidance which we have published to assist local authorities is listed in Environment Circular 15/97 (Welsh Office Circular 63/97) and is available in the Library.

Mr. Mackinlay: To ask the Secretary of State for the Environment, Transport and the Regions in what circumstances it is permitted to proceed with road-widening schemes where the consequential PM10 pollution levels exceed 50 microgrammes per cubic metre of air as a 24-hour running average; and if he will make a statement. [41791]

Ms Glenda Jackson *[holding answer 13 May 1998]:* The objectives contained in the National Air Quality Strategy for achievement for 2005, including the one for PM10 would be taken into account in the appraisal of a proposed road scheme against the Government's five criteria of integration, accessibility, environment, economy and safety.

Where an exceedence of a National Air Quality Strategy objective is forecast, whether or not as a consequence of the scheme proceeding, the local authority would be required to declare an air quality management area covering the area of anticipated exceedance. An action plan would then have to be prepared by the local authority, in consultation with the highways authorities, the Environment Agency and other stakeholders. The action plan would identify a range of measures, to be applied either locally or further afield, aimed at securing the achievement of the objectives throughout the air quality management area. Such measures might include enhanced traffic management, the application of more stringent emission limits to industrial processes or increased domestic smoke control.

Water Quality

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what estimates his Department has evaluated from *(a)* North West Water and *(b)* Ofwat of (i) the total cost and (ii) the impact of average annual household bills in the period 2000 to 2005 of meeting EU bathing water standards on the Fylde coast. [42037]

Angela Eagle: The open letter of 30 April from the Director General of Water Services, "Setting the quality framework", includes assessments of the costs of meeting a wide range of potential obligations, including measures under EU Directives, based both on cost estimates provided by companies and on the preliminary challenge of that information by OFWAT. The letter expresses those costs both as total capital costs and as illustrative impacts on average household bills.

The Environment Agency and North West Water estimated a cost of £100 million for their plans, announced in February this year, for work in the Fylde coast area to improve compliance with Directive bathing water standards. My Department, in consultation with OFWAT, is now considering the plans, their cost and the effect on customer bills.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what guidance he will be giving the Director General of Water Services under the periodic review of water price limits to apply from 1 April 2000, on *(a)* the scope for water companies to transfer the costs of meeting mandatory EU bathing water standards onto their customers and *(b)* the Government's priorities for improvements in water and environmental quality. [42035]

Angela Eagle: In response to the open letter of 30 April from the Director General of Water Services ("Setting the quality framework", a copy of which is in the library), my right hon. Friends the Deputy Prime Minister and the Secretary of State for Wales will publish in the summer their guidance on the environmental obligations which they will expect the water and sewerage companies to meet, including their EU obligations. This guidance will take into account the advice of the Environment Agency and the views of other interested persons, and will reflect the Government's priorities for improvements in water quality and the water environment. It will then be for the Director General, in setting price limits, to ensure that companies are able to meet these obligations.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions (1) what assessment he has made of North West Water's record in meeting mandatory EU bathing water standards along the Fylde coast; and what assessment he has made of the effectiveness of their recent bathing water improvement scheme in this area; [42034]

(2) what undertakings he has received from North West Water that the latest investment programme to improve bathing water quality along the Fylde coast will result in compliance with EU Directive standards; and what reports he has received from the Environment Agency on this matter. [42054]

Angela Eagle: My right hon. Friend the Minister for the Environment announced the 1997 bathing water quality results in December and said that the results in the North West were especially poor and that this was particularly disappointing given that major bathing water improvement schemes had been completed in the area. In February this year, the Environment Agency and North West Water announced plans for further work in the Fylde coast area which they regard as necessary to improve compliance with the Directive standards. My Department has received a detailed report from the Environment Agency on these measures and the progress made.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what reports he has received from the Director General of Water Services, under part of the periodic review of water price limits for the period 2000 to 2005, on the scope for further improvements in efficiency by North West Water to offset the cost of meeting EU bathing water standards on the Fylde coast. [42036]

Angela Eagle: The Director General has outlined his proposed approach to assessing the efficiency of the water companies at the next periodic review in "Assessing the scope for future improvements in water companies' efficiency—a technical paper" published in April 1998, a copy of which is in the Library.

Fuel Poverty Working Group

Mr. Stunell: To ask the Secretary of State for the Environment, Transport and the Regions when he expects the Fuel Poverty Working Group to report its findings; what plans he has to make the group's conclusions publicly available; and what opportunity there will be for external agencies and individuals to respond to the group's findings. [41907]

Angela Eagle: The inter-departmental group of officials is providing internal analysis and policy options for Ministers, and it is not proposed to make its findings and recommendations public. However, I launched a national debate on this subject in my speech on 14 May to the National Right to Fuel Campaign's conference on fuel poverty and invited interested parties to contribute. We will consult on any proposals for developing policies and programmes for tackling fuel poverty which flow from this process.

London Government

Mr. Sayeed: To ask the Secretary of State for the Environment, Transport and the Regions if the Government will legislate to provide in the election for the Mayor of London for the option of voting for "none of the above" candidates and for a further round of nominations and voting, if those voting in that way constitute the largest vote. [41896]

Mr. Raynsford: No.

Mr. Sayeed: To ask the Secretary of State for the Environment, Transport and the Regions what is his policy towards the proportion of the total London electorate required to vote in the elections for a mayor and assembly for the result to be binding. [41898]

Mr. Raynsford: The results of elections for the Mayor and Assembly will be binding irrespective of turnout, as is the case for all parliamentary, European and local government elections.

Sellafield

Mr. Fearn: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on progress in reducing discharge into the sea from nuclear installations at Sellafield. [42259]

Angela Eagle: The Environment Agency have recently completed a two month public consultation into applications for variations to the discharge authorisations for the Sellafield site and are now considering the responses received. The Government have reiterated to the Environment Agency that they wish to see progressive reductions in discharges and discharge limits at Sellafield. There have been requests for Ministers to 'call-in' these applications and decide the matter for themselves and these requests are being considered.

Insulin-dependent Drivers

Miss McIntosh: To ask the Secretary of State for the Environment, Transport and the Regions for what reasons the British Government do not allow in special circumstances the exemption of insulin-dependent drivers from the EU Driving Licence Directive as provided for under the Directive. [41372]

Ms Glenda Jackson *[holding answer 14 May 1998]:* The Directive provides for licences to be issued to or renewed for those whose diabetes is treated by insulin for driving passenger-carrying and goods vehicles (minibuses, medium-sized lorries, buses, coaches and large goods vehicles) "only in very exceptional cases", and subject to further conditions. The Secretary of State's Honorary Advisory Panel on Diabetes and Driving has hitherto advised that, in their opinion, there are no

exceptional cases. That is because treatment by insulin can lead to hypoglycaemic attacks which may occur suddenly and unpredictably, and which can lead to loss of consciousness without warning. A number of collapses at the wheel have been found to be associated with insulin treatment. UK legislation has therefore reflected the Panel's advice. However, in the light of evidence from the British Diabetic Association and other which claims that modern treatment and control methods minimise the risks, the Advisory Panel have, at the request of Ministers, been re-examining the issues in respect of the driving of minibuses and medium-sized lorries. The outcome of that re-examination will be made public shortly.

Elections (Purley)

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish the percentage turnouts in each of the polling districts in Purley, Croydon, for *(a)* 1994 and *(b)* 1998. [42237]

Ms Armstrong: A record of local election returns is not kept centrally by any Government Department. Inquiries relating to the turnout in an individual local authority should be directed to the Returning Officer for that authority.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the experimental polling station location at Tesco's in Purley, Croydon. [42238]

Ms Armstrong: Improving turnout in local elections is an important part of the Government's modernising local government agenda. The London Borough of Croydon should be congratulated on their efforts to make voting more convenient. We will be looking at the lessons from Croydon's initiative, as well as the responses to our consultation papers as we work up our Local Government White Paper to be published this Summer.

Channel Tunnel Rail Link

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions what progress has been made in securing the future of the channel rail link; and if he will make a statement. [42137]

Ms Glenda Jackson: In his answer of 27 March 1998, *Official Report*, columns *295–96*, to my hon. Friend the Member for East Ham (Mr. Timms), my right hon. Friend said that the cure period under the CTRL Development Agreement within which London and Continental Railways (LCR) could bring forward their improved proposals to the Government had been extended to 29 May 1998. Discussions with LCR are continuing and we await their final proposals. My right hon. Friend will make a statement in due course.

London Underground

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the different options for restructuring London Underground put forward by London Transport; and if he will make a statement. [42363]

Ms Glenda Jackson: London Transport presented their evaluation of options for the future of London Underground to the Deputy Prime Minister in September 1997. In the following months, there were numerous meetings, with different Departments, at Ministerial and official level, with LT and their advisers at which all the issues were debated. We fully considered London Transport's proposals in reaching our decisions on a Public/Private Partnership.

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of who will be liable in the case of a serious infrastructure failure on London Underground after concessions for managing the infrastructure of London Underground have been awarded to private companies; and if he will make a statement. [42365]

Ms Glenda Jackson: Under our proposals, the private sector will be responsible for financing, maintaining and modernising the Underground's infrastructure. The contractor, or contractors, will be subject to a tough performance regime with penalties for failure or poor performance. We will be working with London Transport and expert advisers to establish the details of the division of specific risks and liabilities between the public sector operating company and infrastructure contractor(s).

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the potential impact on London Underground fares of a fall in net revenues after concessions for managing the infrastructure of London Underground have been awarded to private companies; and if he will make a statement. [42364]

Ms Glenda Jackson: The Government's financial advisers looked at a range of assumptions about passenger revenues. Their analysis showed that the option announced by the Deputy Prime Minister on 20 March 1998, *Official Report*, columns 1539–56, is robust against a fall in revenues, and that substantial fare increases would therefore not be necessary to pay infrastructure contractors or meet the operating costs of the London Underground operating company. Once the GLA is established, London Underground fares will be a matter for the Mayor.

Mr. Cohen: To ask the Secretary of State for the Environment, Transport and the Regions what controls there will be on the charges contractors can make to London Underground for use of track, signals and stations under his proposals; what estimate he has made of the likely impact on fares; and if he will make a statement. [42394]

Ms Glenda Jackson: The infrastructure contractor, or contractors, will be responsible for financing, maintaining and modernising the Underground's infrastructure, and will be paid by London Underground according to their contract. We will be working with London Transport and expert advisers to establish the details of the contractual payment mechanism, which will be based on paying the contractor according to performance.

There is no reason to expect large increases in fares, which, once the GLA is established, will be a matter for the Mayor.

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the transitional costs and ongoing costs of *(a)* keeping London Underground in the public sector,

(b) privatising the whole of London Underground as a single unit and *(c)* creating a number of concessions to take over the London Underground infrastructure; and if he will make a statement. [42362]

Ms Glenda Jackson: The Government's financial advisers made assessments of the transitional and ongoing costs of keeping London Underground in the public sector, and of awarding a contract, or contracts to finance, maintain and modernise the Underground's infrastructure. These assessments, along with other important factors such as safety, were fully considered by the Government in reaching our decision on a Public/Private partnership for London Underground. The financial comparisons showed that the Government's preferred option is likely to represent better value for money than retaining London Underground in its current form. No assessment was made of privatising the Underground, which was ruled out in the Manifesto.

Minibus Drivers (Medical Tests)

Mr. Laurence Robertson: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to compensate car licence holders over the age of 70 years for the fee of £55 for the medical test which is required to enable them to drive minibuses. [41854]

Ms Glenda Jackson *[holding answer 14 May 1998]:* It is not the Government's practice to reimburse or compensate for the cost of medical examinations required for obtaining or renewing a driving licence, and we have no plans to do so for licence holders over the age of 70 years who wish to drive minibuses.

Priority Estates Project (Coventry)

Mr. Jim Cunningham: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the effectiveness of the Priority Estates Project in Coventry. [41918]

Mr. Caborn: I am not aware of any Priority Estates Project in Coventry. If the question is a reference to the Willenhall Estate in Coventry then I understand that satisfactory progress is being made in its refurbishment through Estate Action and English Partnerships and private sector investment.

Planning Applications

Mr. Key: To ask the Secretary of State for the Environment, Transport and the Regions how many planning applications were made in England in each year from 1992 to 1997. [42152]

Mr. Raynsford: The number of applications for planning permission and other related consents in England is shown in the table. Figures include 'county matters' applications, which are predominantly concerned with minerals extraction and waste disposal developments.

Year	*All applications received (thousand)*
1992	473
1993	474
1994	485
1995	459
1996	475
1997	496

More detailed information is published quarterly by the Department of the Environment, Transport and the Regions in its Statistics of Planning Applications Information Bulletin. Copies are available in the House of Commons library.

LTS Rail

Mr. Mackinlay: To ask the Secretary of State for the Environment, Transport and the Regions what are the terms of the franchise granted to LTS Rail in respect of the times for the opening of booking offices. [42414]

Ms Glenda Jackson: The franchise agreement requires LTS Rail to comply with the terms of the Ticketing and Settlement Agreement (TSA), which is overseen by the Rail Regulator. The TSA sets out the ticket office opening hours which each operator has agreed to as a signatory to the agreement. These hours may be varied only with the approval of the Rail Regulator (any short-term issues affecting station opening, such as staff shortage, are for the operator to manage in the light of its other business commitments). The table shows the ticket office opening hours set out in the TSA for stations managed by LTS Rail.

	Mon-Fri open	*Mon-Fri closed*	*Sat open*	*Sat closed*	*Sun open*	*Sun closed*
Fenchurch Street	0545	2140	0630	2140	0715	2140
Barking	0515	2200	0545	2200	0645	2210
Upminster	0545	2100	0615	2110	0645	2140
West Horndon	0615	2000	0815	1740	Closed	Closed
Laindon	0530	2000	0615	2100	0615	2100
Basildon	0530	2200	0615	2100	0645	2000
Pitsea	0515	2200	0815	2330	0715	2145
Benfleet	0515	2200	0615	2200	0615	2145
Leigh-on-Sea	0545	2200	0715	2000	0815	1930
Chalkwell	0615	2000	0815	1740	0815	1540
Westcliff-on-Sea	0545	2200	0815	1740	0815	1540
Southend Central	0545	2200	0615	2200	0745	2200
Southend East	0515	2200	0815	1540	0815	1540
Thorpe Bay	0515	2200	0815	1540	0815	1540
Shoeburyness	0615	2200	0815	1740	0815	1540
Dagenham Dock	0615	1340	Closed	Closed	Closed	Closed
Rainham	0615	2200	0815	1540	Closed	Closed
Purfleet	0615	1300	0615	1340	Closed	Closed

	Mon-Fri open	Mon-Fri closed	Sat open	Sat closed	Sun open	Sun closed
Grays	0520	2200	0715	2210	0715	2140
Tilbury Town	0545	2200	0645	2200	0800	1525
East Tilbury	0645	1334	0745	2200	Closed	Closed
Stanford-le-Hope	0540	2200	0645	2200	0715	1440
Ockendon	0645	1300	0815	1540	Closed	Closed
	1515	1840	—	—	—	—
Chafford Hundred	0600	2000	0800	1600	0800	1610

Sites of Special Scientific Interest

Mr. Randall: To ask the Secretary of State for the Environment, Transport and the Regions how many sites of special scientific interest there were in England on 31 March; and what was their total area in hectares. [42441]

Angela Eagle: At 31 March, there were 3,987 Sites of Special Scientific Interest in England covering 967,365 hectares.

Mobile Homes

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions what action he proposes to take on pitch fees for owners of mobile homes. [42361]

Mr. Raynsford: My Department has established a working party to examine a number of concerns facing mobile home residents, including pitch fees. It comprises representatives from national residents' groups, the two main trade associations, local authorities and officials from my Department. The group is aiming to present its recommendations to Ministers by Spring 1999.

WALES

Agricultural Grants Department

Mr. Wigley: To ask the Secretary of State for Wales what assessment he has made of the availability of Welsh speakers in Cardiff with suitable qualifications to staff a centralised agricultural grants department. [40912]

Mr. Ron Davies: On 16 March 1998, *Official Report*, column *459*, I announced my plans to engage consultants for a study to assess the options for securing improved administration of Common Agriculture Policy payments in Wales.

At this stage, the consultants have been asked to consider all feasible options. These could include options for centralising the service, for transferring responsibility for administering payments to MAFF or the Intervention Board, or for developing the service using the existing office structure.

All options will be assessed in terms of the costs, benefits and risks they represent for the Welsh Office, including their ability to deliver a local bilingual service to farmers.

60 per cent. of Welsh Office staff who have expressed an ability in the use of the Welsh language are Cardiff-based.

Inward Investment

Mr. Barry Jones: To ask the Secretary of State for Wales how many times he has met the Wales TUC to discuss *(a)* inward investment and *(b)* the prospects for industry in Wales. [41647]

Mr. Hain: My right hon. Friend and I are in frequent touch with the Wales TUC and constituent unions on a wide variety of issues and both attended the Wales TUC conference last month.

Mr. Barry Jones: To ask the Secretary of State for Wales when he last met the CBI to discuss *(a)* inward investment and *(b)* the prospects for industry in Wales. [41646]

Mr. Hain: My right hon. Friend has not met the CBI. However, I have met them on several occasions, most recently on 27 April. Welsh Office officials are also in regular contact with the CBI on a wide variety of issues.

Local Government Boundaries

Mr. Martyn Jones: To ask the Secretary of State for Wales (1) how many responses from Wrexham community and town councils to his letter of consultation on the proposed boundary review of Llangollen dated 22 August 1997 he had received prior to the reminder letter sent from his Office on 2 October to Denbighshire town and community councils extending the deadline for replies to 18 October 1997; [41793]

(2) how many responses from Denbighshire community and town councils to his letter of consultation on the proposed boundary review of Llangollen dated 22 August 1997 he had received prior to the reminder letter sent from his office on 2 October 1997 extending the deadline to 18 October. [41795]

Mr. Win Griffiths: Prior to 2 October 1997, 4 responses were received from community and town councils in Wrexham and 8 from those in Denbighshire.

Mr. Martyn Jones: To ask the Secretary of State for Wales what criteria he uses to establish the need to request a review of local government boundaries. [41796]

Mr. Win Griffiths: Under section 54(1) of the Local Government Act 1972, when making proposals to the Secretary of State, the Local Government Boundary Commission needs to be able to demonstrate that any changes are judged by the Commission to be desirable in the interests of effective and convenient local government.

Consequently, the Secretary of State, in considering whether to request a review, will also have regard to any relevant information that could suggest that the existing boundary may no longer provide for effective and convenient local government.

The Secretary of State would give careful consideration to the nature and level of representations from local councils, other elected representatives and the community at large.

Given the diversity of local government areas, each request would be considered on its merit.

Mr. Martyn Jones: To ask the Secretary of State for Wales for what reasons no letter of reminder was sent to community councils in the Wrexham area following his request to them for their views on the boundary review of Llangollen and Llantysilio wards on 22 August 1997. [41794]

Mr. Win Griffiths: On 22 August 1997, consultation letters on the proposed boundary review were sent to all local councils in both counties.

On 28 September 1997, the Denbighshire Association of Local Councils sought an extension of the time allocated for responding to the consultation as it had information that the letter of 22 August had not reached all councils in the country. Community councils in that area were therefore given a further 2 weeks to respond.

No representations were received then or since from community councils in the Wrexham area to indicate that they had not received the consultation letter or been denied the opportunity to make representations before the Secretary of State announced his decision in February 1998.

Responses to the consultation from individuals and organisations received up to February 1998 were taken into account by the Secretary of State in reaching his decision on this matter.

Gwent Tertiary College

Mr. Llew Smith: To ask the Secretary of State for Wales, pursuant to his answer of 8 May 1998, *Official Report*, column *513*, on Gwent Tertiary College, if he will place copies of the letters from the Chairman of Gwent Tertiary College Further Education Corporation in the Library. [42147]

Mr. Hain: As the Chairman of Gwent Tertiary College Further Education Corporation has written to me on an in confidence basis, I think it would be better if my hon. Friend approached the College directly for a copy of his letters.

SCOTLAND

A848

Mrs. Ray Michie: To ask the Secretary of State for Scotland what progress has been made in upgrading the A848 Salen to Tobermory Road since 1992; when the upgrade is expected to be completed; and if he will make a statement. [41631]

Mr. McLeish: Since 1992 there have been 4 schemes to upgrade specific sections of this local road. The current project which upgrades 4.8km of single track road to 2 lane carriageway from Tobermory is expected to be largely completed by the end of May. Further improvements are a matter for Argyll and Bute Council as local roads authority for Mull.

Waiting Lists

Mr. Moore: To ask the Secretary of State for Scotland how many people in Scotland had been on waiting lists for NHS treatment for *(a)* 0 to 3 months, *(b)* 3 to 6 months, *(c)* 6 to 9 months, *(d)* 9 to 12 months and *(e)* over 12 months on 31 March. [42337]

Mr. Galbraith: Information on the number of patients with a guarantee, and the time spent on waiting lists for NHS treatment in Scotland at 31 March 1998, is provided in the table:

NHS patients on waiting list in Scottish hospitals: Number and time spent on waiting list at 31 March 1998

Months[1]	*Number*
Under 3	55,591
3 to 6	19,217
6 to 9	8,392
9 to 12	3,565
Over 12	0

[1] Length of time patients with a waiting time guarantee have waited on the waiting list. (Source SMR3).

TRADE AND INDUSTRY

Over-the-counter Medicines

Mr. Jim Cunningham: To ask the President of the Board of Trade what plans she has to review resale price maintenance on over-the-counter medicine prices. [41578]

Mrs. Beckett *[holding answer 12 May 1998]:* None. This is a matter for the Director General of Fair Trading, who has already brought proceedings before the Restrictive Practices Court asking it to review the matter.

Mr. Wareing: To ask the President of the Board of Trade what representations she had received in respect of the future of resale price maintenance in the field of over-the-counter medicines; what proposals she has to safeguard the position of local pharmacies and to protect the supply of such medicines to consumers; and if she will make a statement. [42108]

Mrs. Beckett: I have received a number of representations from right hon. and hon. Members and from pharmacists and their representatives about resale price maintenance on over-the-counter medicines. Proceedings before the Restrictive Practices Court have been initiated by the Director General of Fair Trading and I would expect the Court to examine fully all the issues which might arise from the retention or abolition of resale price maintenance in this sector, including the effect on local communities of the possible closure of pharmacies.

Genetically Engineered Animals

Mr. Etherington: To ask the President of the Board of Trade if she will list the United Kingdom patents which have been published since 1 June 1997 in respect of genetically engineered animals and processes for creating such animals. [42273]

Mr. Battle: There have been a total of three patent applications under the Patents Act 1997 published since 1 June 1997. Two of these are Patent Co-operation Treaty Applications which have entered the national phase and have been published as applications Nos. GB 2318792

and GB 2318578. They relate to the manipulation of animal embryos and the animals produced therefrom. The third, GB 2312899, relates to transgenic animals encoding an agent involved in the regulation of bone marrow. None of these applications has yet been granted. This information does not include applications filed at the European Patent Office and which may have the legal effect of UK patents if granted by that office.

Mobile Telecommunications Networks

Ms Hewitt: To ask the President of the Board of Trade if she will make a statement on the preparations for issuing licences under the Wireless Telegraphy Acts for operators of third generation mobile telecommunications networks. [42794]

Mrs. Roche: The UK has been at the forefront of developing mobile telecommunications in Europe, and I am determined that it should retain that position. Third generation mobile—also known as UMTS or Universal Mobile Telecommunications Systems—offers exciting prospects for new jobs, new services and new investment, and I aim to ensure that the UK benefits fully from this new technology.

To that end, we intend to hold an auction of UMTS licences in the summer of 1999, subject to market and other developments and to final decisions nearer the time. This timetable takes account of responses to the Government's consultation document 'Multimedia Communications on the Move', further discussions with industry, and advice from N M Rothschild and Sons.

In offering through an auction licences to use specified frequencies for the delivery of UMTS, the Government's overall aim is to secure, for the long-term benefit of UK consumers and the national economy, the timely and economically advantageous development and sustained provision of UMTS services in the UK.

Subject to this overall aim, the Government's objectives are to (i) utilise the available UMTS spectrum with optimum efficiency, (ii) promote effective and sustainable competition for the provision of UMTS services, and (iii) subject to the above objectives, design an auction which is best judged to realise the full economic value to consumers, industry and the taxpayer of the spectrum.

In developing detailed auction proposals, my Department will continue fully to consult industry.

Motor Vehicles

Mr. Hoyle: To ask the President of the Board of Trade what assessment she has made of the pricing structure for the sale of motor vehicles in the UK relative to that in other EU countries; and what plans she has to review the pricing structure for the sale of motor vehicles in the UK. [42046]

Mr. Nigel Griffiths: Following an initiative by the Government at the meeting of European Union Finance Ministers at York in March, the European Commission has been asked to carry out an investigation into price disparities between different EU markets of a range of products and services, including cars.

I propose to await the outcome of this investigation, before considering whether it would be appropriate to take any further action.

Mr. Hoyle: To ask the President of the Board of Trade if she will make a statement on the export from the UK of second-hand cars which do not meet environmental standards in the UK. [42048]

Mr. Battle: All vehicles sold in the UK must meet EU environmental standards for emissions. Any vehicle being exported outside the EU will have to meet the standards of the importing country, which may differ significantly from EU standards.

It is not possible from Customs and Excise export figures to identify separately those used motor vehicles which do not comply with UK environmental standards.

Nuclear Materials (Georgia)

Mr. Redwood: To ask the President of the Board of Trade on how many occasions she sought to prevent the importation of nuclear materials from Georgia. [42087]

Mrs. Beckett *[holding answer 14 May 1998]:* The issue of whether the UK should accept approximately 5 kg of high enriched uranium from Georgia was considered in the normal way through consultation among relevant Government departments and discussion by the appropriate Cabinet committee. Following these discussions, all departments involved, including the Department of Trade and Industry, agreed that, given the non-proliferation and nuclear safety arguments, the UK should agree to accept the material.

Medical Isotopes

Mr. Redwood: To ask the President of the Board of Trade, pursuant to the oral statement of the Minister of State, Foreign and Commonwealth Office, the hon. Member for Newcastle upon Tyne, North (Mr. Henderson), of 22 April 1998, *Official Report*, column 821, if she will list the locations at which the UKAEA makes medical isotope targets. [42088]

Mrs. Beckett *[holding answer 14 May 1998]:* The UKAEA manufacture targets, for use in the production of medical isotopes, at their Dounreay site in Caithness.

Oil Platforms

Mr. Matthew Taylor: To ask the President of the Board of Trade (1) how many oil platforms there are in British waters; what is the estimated date of decommissioning for each; what decommissioning options are currently being considered for each oil platform in operation in British waters; and what is the Government's preferred option for disposing of oil platforms in British waters; [41123]

(2) what estimate she has made of the potential cost to public funds of tax reliefs for the decommissioning of oil platforms in the North Sea over the next 10 years; [41124]

(3) what is Her Majesty's Government's policy towards the disposal of oil platforms at sea. [41125]

Mrs. Beckett: There are approximately 250 offshore oil and gas installations currently located on the UK Continental Shelf. The majority will reach the end of their

useful lives during the next 25 years but the peak years for decommissioning activity are expected to be between 2003 and 2012.

Our policy is based on a presumption in favour of land disposal except where, taking account of the environment as a whole, such a course is neither safe nor practicable. Generic studies have demonstrated that the great majority of existing installations will be brought onshore for re-use, recycling or disposal. These studies have also shown that the current generic solution for large concrete installations is to leave them in place. There is no single generic solution for heavy steel installations located in deeper water and we consider that these structures should be assessed on a case-by-case basis with decisions based on solid analysis and in the light of open and transparent consultations.

Gross decommissioning costs over the next 25 years are estimated to be in the range of £7 billion to £10 billion at current day prices. The Inland Revenue estimates that around 50 per cent. of the costs will be met by the Exchequer through tax relief. Decommissioning costs generally qualify for tax relief under the normal Petroleum Revenue Tax and Corporation Tax rules. Royalty relief is currently available where royalty has been paid on that licence.

NORTHERN IRELAND

Security Clearance

Dr. Harris: To ask the Secretary of State for Northern Ireland what account her Department takes of criminal records consisting solely of homosexual activity engaged in prior to 1982, where such activity has been decriminalised, in determining *(a)* security clearance and *(b)* employment within the RUC; and what changes to regulations have taken place since 1994. [41156]

Mr. Ingram: A candidate must meet the recruiting criteria in every respect. The RUC will take into account convictions for any and all criminal offences. The fact that an offence may have been decriminalised is not considered relevant.

There have been no changes in policy relating to sexual orientation since 1994.

Dr. Harris: To ask the Secretary of State for Northern Ireland in what circumstances *(a)* non-criminal homosexual activity and *(b)* sexual orientation would debar a candidate from security clearance to become an RUC officer; and what changes in the regulations have occurred since 1994. [41157]

Mr. Ingram: A candidate must meet the recruiting criteria in every respect. There is nothing to debar a person who had engaged in non-criminal homosexual activity or to debar a person because of their sexual orientation.

There have been no changes in policy relating to sexual orientation since 1994.

Petrol Stations

Mr. Moss: To ask the Secretary of State for Northern Ireland how many petrol stations have closed in Northern Ireland in *(a)* 1997 and *(b)* in 1998 to date. [41532]

Mr. Ingram: This information is not held by NI Departments.

Petroleum Products (Smuggling)

Mr. Moss: To ask the Secretary of State for Northern Ireland what discussions she had held with the RUC about the illegal importation of petroleum products into Northern Ireland; and if she will make a statement. [41533]

Mr. Ingram: I have not held any discussions with the RUC about the illegal importation of petroleum products into Northern Ireland. This is a matter for HM Customs and Excise.

Mr. Moss: To ask the Secretary of State for Northern Ireland what representations she has received from the Petrol Retailers Association about the illegal importation of petroleum products; and what response she made. [41531]

Mr. Ingram: My right hon. Friend the Secretary of State received a letter from the Petrol Retailers Association concerning these issues. As importation of products across UK national boundaries is a matter for Customs and Excise and HMT, the letter was passed to HMT for answer.

Mr. Moss: To ask the Secretary of State for Northern Ireland what action she is taking to prevent the illegal importation of petroleum products into Northern Ireland; and if she will make a statement. [41536]

Mr. Ingram: Illegal importation of products across UK national boundaries is a matter for Customs and Excise and HMT and I refer the hon. Member to the answer given to him by the Financial Secretary on 14 May 1998, *Official Report*, columns *174–75*.

Castle Buildings Agreement

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland if she will list the new commissions and other bodies that will be brought into being under the Castle Buildings Agreement, stating the estimated *(a)* annual running costs and *(b)* number of staff to be employed by each entity. [42161]

Mr. Paul Murphy: The new commissions and other bodies which will (or may) be brought into being under the Agreement are listed. No reliable estimates for annual running costs and the number of staff to be employed by each entity are yet available.

Northern Ireland Assembly

Civic Forum

North/South Ministerial Council

North/South Implementation Bodies

British/Irish Council

British/Irish Intergovernmental Conference

Northern Ireland Human Rights Commission.

In addition an independent Commission on policing for Northern Ireland will be established with the aim of publishing a final report by summer 1999.

Assembly Members (Pay)

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland what salary and expenses she proposes to pay to *(a)* each member of the Northern Ireland Assembly and *(b)* each Minister. [42163]

Mr. Paul Murphy: The salary and expenses payable to members and Ministers in the New Assembly (depending on whether Section 1 of the Northern Ireland (Elections) Act 1998 is brought into force) are under consideration and I am not therefore in a position to reply.

Civil Service

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland if she will make a statement about the decision concerning the number of graduate management trainees to be recruited to the Northern Ireland Civil Service in 1997. [42167]

Mr. Paul Murphy: No trainees were recruited into the Management Trainee programme in 1997 but it is proposed to recruit a minimum of 10 trainees in 1998.

Additionally, 20 trainees were recruited in 1996, the first year of operation of the scheme. This pattern of recruitment reflects Departmental manpower requirements.

Election Personation

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland if she will make a statement about the implications of the use of forged medical cards for election personation; and what recent progress has been made in eliminating this form of fraud. [42166]

Mr. Paul Murphy: The Government are aware of concern over forged medical cards for election personation. While the medical card cannot be withdrawn from the list of specified documents without an adequate replacement, the hon. and learned Gentleman is aware that my own Election Review is currently looking at every part of the polling process, both to enhance polling station procedures and accessibility, but also to consider alterations to present identity requirements.

LORD CHANCELLOR'S DEPARTMENT

Court Centres

Mr. Garnier: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the court centres to which *(a)* he and *(b)* the Lord Chancellor have paid official visits since 1 May 1997, and the date of each such visit. [41714]

Mr. Hoon: Since 1 May 1997, the following visits to court centres have been undertaken by the Lord Chancellor and by me.

Date	*Court centres*
Lord Chancellor	
27 June 1997	Royal Courts of Justice, Belfast
30 July 1997	Central Criminal Court, London
7 November 1997	Chippenham Magistrates' Court
6 February 1998	Luton Crown Court
	Luton County Court
20 February 1998	Londonderry Court
3 April 1998	Royal Courts of Justice, London
24 April 1998	Birmingham Combined Court Centre
15 May 1998	Manchester Crown Court
	Manchester County Court
Mr. Geoff Hoon MP	
18 July 1997	Nottingham Magistrates' Court
	Ilkeston Magistrates' Court
24 July 1997	Royal Courts of Justice, London
25 July 1997	Stockport Magistrates' Court
10 September 1997	Coventry Combined Court Centre
	Stoke-on-Trent Magistrates' Court
24 September 1997	Newton Aycliffe Magistrates' Court
	Durham County Court
	Newcastle-Upon-Tyne Magistrates' Court
25 September 1997	Liverpool Combined Court Centre
6 October 1997	Royal Courts of Justice, Belfast
	Craigavon Combined Court
	Belfast Crown Court
2 December 1997	Central London County Court
11 December 1997	Snaresbrook Crown Court
9 January 1997	Stoke-on-Trent Magistrates' Court
26 January 1998	Uxbridge Magistrates' Court
13 March 1998	Cheltenham Magistrates' Court
	Gloucester Magistrates' Court
22 April 1998	Central London County Court
1 May 1998	Nottingham County Court

Legal Aid

Mr. Garnier: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list *(a)* the sums of money and *(b)* the proportions of the total legal aid budget for each of the last five years for which figures are available taken up by (i) personal injury cases, (ii) contractual disputes, (iii) judicial review cases, (iv) criminal cases and (v) family law cases. [41503]

Mr. Hoon: Gross expenditure in cases closed as a proportion of total expenditure in cases closed in each of the last five years for (i) personal injury cases, (ii) contractual cases, (iii) judicial review cases, (iv) criminal cases and (v) family law cases was as follows:

	Total legal aid budget (£ million)	*Personal injury cases (£ million)*	*% of total*	*Contractual disputes (£ million)*	*% of total*	*Judicial review cases (£ million)*	*% of total*	*Criminal cases[1] (£ million)*	*% of total*	*Family law cases[2] (£ million)*	*% of total*
1992–93	646.9	85.1	13.16	29.1	4.49	5.0	0.78	283.9	44	272.4	42.10
1993–94	813.9	121.2	14.89	40.2	4.94	6.7	0.82	321.6	40	332.0	40.79
1994–95	922.5	151.5	16.42	44.1	4.78	7.9	0.86	362.1	39	351.2	38.06
1995–96	1,071.5	189.4	17.67	56.0	5.23	10.1	0.94	384.3	36	373.5	34.86
1996–97	1,178.0	219.8	18.66	60.3	5.12	10.5	0.90	411.1	35	392.5	33.32

[1] The category Criminal cases includes details of criminal higher, criminal magistrates, duty solicitors and green form scheme

[2] The category family law cases includes divorce, divorce injunction, ancillary relief, residence and contract, nullity, domestic violence, Child Support Act 1995 and the Children Act 1989.

Note:

These figures are based on cases closed within each year.

Harassment

Mr. Maclean: To ask the Parliamentary Secretary, Lord Chancellor's Department which sections of the Protection from Harassment Act 1997 have been implemented; and what are his plans for the implementation of outstanding sections. [42288]

Mr. Hoon: So far as England and Wales are concerned, all relevant parts of the Act have been commenced with the exception of section 3 sub-sections 3–9. These sub-sections will be commenced as soon as rules designed to facilitate the operation of the Act have been approved. The final consultation process on the rules is under way at present and will be completed as quickly as possible.

HOME DEPARTMENT

Drivers (Leaflets)

Mr. Bob Russell: To ask the Secretary of State for the Home Department what powers he has to act against individuals distributing *(a)* leaflets and *(b)* other items to those in vehicles on the highway. [41792]

Mr. Michael: The situation described would be an operational matter for the police. Police officers could deal with it by a verbal warning and moving those distributing the material from the roadway. Alternatively, if they thought it appropriate, they could charge the offenders under a number of different statutes ranging from those concerned with obstruction of the highway to possible public order offences. The offences charged would depend on the precise circumstances of the incident.

Foreign Nationals

Mr. Allan: To ask the Secretary of State for the Home Department how many foreign nationals were charged with *(a)* possession of a false instrument and *(b)* attempting to obtain services by deception; how many were subsequently sentenced to a term of imprisonment; and what was the average sentence length in the last year for which figures are available. [41816]

Mr. Michael: Under section 26(1)(d) of the Immigration Act 1971, a foreign national is guilty of a criminal offence if, without lawful authority, he alters any certificate of entitlement, entry clearance, work permit or other document made under or for the purpose of the Act; or if he has in his possession any passport, certificate of entitlement, entry clearance, work permit or other document which is known (or he has reasonable cause to believe) to be false. However, it is also possible that other legislation, which although not referring exclusively to passports, may be used to deal with foreign nationals arrested for this type of crime.

Detailed information on persons charged by offence is not collected centrally. Information held on the Home Office Court Proceedings database for 1996 (latest available) shows nine prosecutions and five convictions under section 26(1)(d) of the Act. Only one offender was given a custodial sentence which was for the period of one month.

The Court Proceedings database does not record a person's nationality and is unable to identify all benefit fraud cases, as the majority are dealt with under section 1 of the Theft Act 1968, which covers a multitude of circumstances.

Police Vehicles

Mr. Hoyle: To ask the Secretary of State for the Home Department what directions he has given to police authorities on the conversion of vehicles in existing fleets to *(a)* liquid petroleum gas and *(b)* compressed natural gas. [42066]

Mr. Michael: No directions have been given, but a number of police forces are currently engaged in trials of alternative fuels, the results of which will be disseminated by the National Association of Police Fleet Managers.

CS Gas

Mrs. Ann Cryer: To ask the Secretary of State for the Home Department what guidelines his Department issues on the use of CS gas against individuals being restrained by police officers. [41980]

Mr. Michael: The Home Office has not issued guidelines to the police on the use of CS spray. This is an operational matter and the responsibility of individual chief police officers. A copy of the guidance issued by the Association of Chief Police Officers, has been placed in the Library.

Animal Care (Universities)

Mr. Dalyell: To ask the Secretary of State for the Home Department, pursuant to the letter of Lord Williams of Mostyn AP/981/10/207, what assessment he has made of the quality of animal care in British universities. [41121]

Mr. George Howarth: All designated establishments are regularly inspected, on both an announced and unannounced basis, by members of the Animals (Scientific Procedures) Inspectorate.

I am satisfied that the quality of animal care in British universities generally attains the high standards required under the terms of the Animals (Scientific Procedures) Act 1986 and the Codes of Practice issued under the Act. Where unexpected problems do occur, it is important that, in addition to any action taken by the Inspectorate, local controls are in place to ensure appropriate remedial action is taken.

We announced on 6 November 1997, *Official Report*, column *285*, that local ethical review processes would become mandatory in all establishments. These will play an important role in promoting the care and welfare of animals within each establishment.

Firearms Compensation

Jackie Ballard: To ask the Secretary of State for the Home Department how his Department has disposed of the guns and ancillary equipment surrendered under the Firearms (Amendment) Act 1997. [42241]

Mr. Michael: The majority of guns and ancillary equipment surrendered will be destroyed in accordance with local police force arrangements. Some will be retained by the police for training purposes or acquired by suitably authorised museums.

Mr. Robathan: To ask the Secretary of State for the Home Department what arrangements he has made to handle disputes over levels of compensation under Category C claims of the Firearms Compensation Scheme. [42310]

Mr. Michael: The arrangements are set out in paragraphs 26 and 27 of the booklet on the original Scheme. Under the terms of Option C, claimants must submit valid documentary evidence of the value of the items claimed as at 16 October 1996. Where that evidence supports the amount claimed, then the claim will be paid. If the evidence is unsatisfactory, then the Firearms Compensation Section will request further evidence from the claimant. If that evidence is satisfactory, then the claim will be met. Where no additional evidence is submitted or the additional evidence remains unsatisfactory, the claim will be paid at the listed value or, where appropriate, the police force involved will be asked to obtain a further valuation from an independent source, selected at the discretion of the chief officer. Where this is obtained, the valuation will normally be used to calculate the payment to the claimant.

This final independent valuation stage provides a last resort arrangement to ensure that no claim should be incapable of being resolved satisfactorily.

Mr. Page: To ask the Secretary of State for the Home Department when he expects claim reference HER 13040 to be settled under the firearms compensation scheme; and if interest will be paid on this claim. [41983]

Mr. Michael: The claim with the police reference number HER 13040 was received in the Firearms Compensation Section on 15 October 1997, and the Option A and B elements are now being processed. The Option C elements, which will require individual consideration of the evidence of value provided, will be dealt with at a later date.

There is no provision in the compensation scheme for the payment of interest if claims are not dealt with in a particular time. As I have said to the House on many occasions, this is a complex and generous compensation scheme which Parliament approved, and which is being implemented as quickly as possible, having regard to the need for close scrutiny of claims to guard against fraud and incorrect payment.

Mr. William Ross: To ask the Secretary of State for the Home Department if he will list the dates in the last 12 months on which members of the Association of Chief Police Officers Administration of Firearms and Explosives Licensing Sub-Committee attended the Home Office Working Groups on *(a)* the Reference Panel on Historic Firearms, *(b)* the Firearms Forms, *(c)* the Approved Club Criteria and *(d)* the Home Office Memorandum of Guidance on the Administration of Firearms revision; and if he will list the names of the (i) committee members, and (ii) others attending each of these meetings. [42412]

Mr. Michael: Details of those attending each meeting of the first three Working Groups (including members absent) for each date on which the Groups met in the last 12 months are set out in the table. There is no working group on the revision of the Home Office Memorandum of Guidance to the Police.

Members	
The Historic Firearms Reference Panel	
12 September 1997	
Mr. Graham Widdecombe (Chair)	Home Office
Mr. Simon Barrett	Home Office
DCC Graham Bennet	Fife Constabulary
Superintendent Jim Duncan	Grampian Police
Mr. Michael Lobb	Northamptonshire Police
Mr. Ian McColl	Cambridgeshire Constabulary
Mr. Richard Milner	RFD
Mr. David Penn	Imperial War Museum
Mr. Bob Pitcher	London Proof House
Dr. Christopher Roads	Historic Arms Rescue
Mr. Tom Warlow	Forensic Science Service
Mr. Herbert Woodend	MOD Pattern Room
Mr. Richard Worth (minutes)	Home Office
17 September 1997	
Mr. Graham Widdecombe (Chair)	Home Office
Mr. Simon Barrett	Home Office
Chief Inspector David Morris	South Wales Constabulary
Superintendent Jim Duncan	Grampian Police
Mr. Michael Lobb	Northamptonshire Police
Mr. Ian McColl	Cambridgeshire Constabulary
Mr. Richard Milner	RFD
Mr. David Penn	Imperial War Museum
Dr. Christopher Roads	Historic Arms Rescue
Mr. Tom Warlow	Forensic Science Service
Mr. Richard Worth (minutes)	Home Office
The Forms Working Group	
19 February 1998	
Mr. Simon Barrett	Home Office
Mr. Richard Worth	Home Office
Mr. Alec Moffat	Fife Constabulary
Superintendent Jim Duncan	Grampian Police
Sgt. Peter Johnson	Merseyside Police
Mr. Ian McColl	Cambridgeshire Constabulary
Ms Helene Rogers	South Wales Constabulary
B. G. Carter Esq	Director, The Gun Trade Association Ltd.
C. A. Ewing Esq OBE	National Rifle Association
Mr. Bill Harriman	British Shooting Sports Council
Mr. Derek Phillips	Office of Legislative Affairs
Mr. R. V. Malbon	The Sportsman's Association
David Penn Esq	Imperial War Museum/Muzzle Loader's Association
The Clubs Criteria Working Group	
17 November 1997[1]	
Mr. Barrett (Chair)	Home Office
Mr. Courtney	Muzzle Loaders Association
Superintendent Duncan	Grampian Police
Mr. Ewing	FCC/NRA
Mr. Hoare	BSSC/FCC/NRA
Mark Groothuis	Firearms Licensing Officer, Hampshire Constabulary
Ch. Insp. Talbot	Hampshire Constabulary
Mr. Bottomley (Secretary)	Home Office

[1] Apologies from Mr. Fruin, Home Office, and Ms McGlynn, Scottish Office

Everthorpe Prison

Mr. Flynn: To ask the Secretary of State for the Home Department what assessment he has made of the impact of recent measures to remove drugs and alcohol from Everthorpe Prison on discipline at that prison. [42062]

Mr. George Howarth: Everthorpe has 96 prisoners in units reserved for those who are committed not to use drugs. These units were introduced three years ago. Places in them are available only to prisoners whose general behaviour also qualifies them for the enhanced regime, and the standard of behaviour in the units is good. On average, two prisoners per month are removed from the drug-free units, either for failing a drugs test or for failing to maintain the standard of behaviour required of prisoners on the enhanced regime.

An alcohol counsellor has recently been re-engaged after a nine month gap, so it is too soon to comment on the effects of her work. However, there are no indications that alcohol is a particular problem at Everthorpe.

Prisons (Drugs)

Mr. Flynn: To ask the Secretary of State for the Home Department what estimate he has made of the current numbers and percentages of the prison population using *(a)* cannabis, *(b)* ecstasy and *(c)* heroin. [41639]

Ms Quin: Our best estimate of the numbers of prisoners using illegal drugs is drawn from the results of random mandatory drug testing (MDT). While it is recognised that, for a number of reasons, MDT results cannot be a complete measure of prevalence of drug misuse in prisons, the results do provide for the first time a reliable and statistically valid way of measuring patterns and trends of drug misuse across establishments and over time.

Laboratory screening does not differentiate ecstasy from the amphetamine group as a whole, or heroin from other opiates, so it is not possible to provide figures specifically for ecstasy or heroin.

There were 45,613 random tests in total during the first three quarters of 1997–98. Of these, 7,754 (17 per cent.) were positive for cannabis; 91 (0.2 per cent.) for amphetamines; and 1,870 (4.1 per cent.) for opiates. Final figures are not yet available for the fourth quarter.

Mr. Flynn: To ask the Secretary of State for the Home Department what percentage of prisons he forecasts will be free of the use of illegal drugs by 2002. [42060]

Mr. George Howarth: Our best estimate of the numbers of prisoners using illegal drugs is drawn from the results of random mandatory drug testing (MDT). A number of prisons do return entirely negative results of drug testing. But, because random testing involves the testing of only a proportion of a prison's population each month and, for a number of reasons, MDT results cannot be a complete measure of prevalence of drug misuse in prisons, it would not be safe to claim that a prison is free of drug misuse.

We are committed to the aim of enabling all prisoners to have access to voluntary testing units in order to demonstrate that they are drug free.

Over 4,000 places can now be provided in voluntary testing units and the Prison Service is working to expand this number to achieve our aim.

It would be unrealistic to put a figure on the future number of drug free prisons, since there are too many unpredictable variables. However, we aim through measures already underway and those planned for the future to reduce the number of prisons where illegal drugs are misused.

Cannabis

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department what is the *(a)* longest and *(b)* shortest jail sentence handed down to a person convicted of growing cannabis other than for his or her own use since 1980. [42138]

Mr. George Howarth: Information is not available as to whether people convicted or cautioned for growing cannabis were cultivating it for their own use.

Information on the length of jail sentences imposed for offences of the cultivation/production of cannabis is not available before 1986. Information for the period 1986–92 could be provided only at disproportionate cost. Available data for 1993–95 are given in the table; similar data for 1996 are not yet available.

Number of persons sentenced to immediate custody for production of cannabis

England and Wales, 1993–95

Length of sentence	*1993*	*1994*	*1995*
Up to and including 1 month	20	38	40
Over 1 month and up to 3 months	16	28	43
Over 3 months and up to 6 months	8	19	33
Over 6 months and up to 1 year	5	22	32
Over 1 year and up to 2 years	3	11	25
Over 2 years and up to 5 years	1	9	15
Over 5 years and up to 7 years	0	0	3
Over 7 years	1	0	0
Total	54	127	191
Average (months)	6.7	8.1	10.2

CULTURE, MEDIA AND SPORT

Equestrian Establishments

Mr. Dawson: To ask the Secretary of State for Culture, Media and Sport what assessment he has made of the most appropriate way to support small equestrian establishments. [41667]

Mr. Banks *[holding answer 12 May 1998]:* None directly. However, the Government recognise the importance of sport and we want to ensure access to a wide range of facilities, including equestrian, for the many not the few. The English and UK Sports Councils continue to work with local authorities and governing bodies on the best way of meeting this aim.

Swimming

Mr. Gareth Thomas: To ask the Secretary of State for Culture, Media and Sport what plans he has to ensure that the teaching of swimming is eligible for funding under the New Opportunities Fund. [41454]

Mr. Banks: Swimming teaching will be eligible for funding under the New Opportunities Fund, particularly under the out of school hours activities initiative which will include sporting activities which aim to assist the social development of children and young people. The

healthy living centres initiative could also raise awareness of the importance of healthy physical activity such as swimming since centres will be designed to provide information, advice and support to help people improve their health and wellbeing. Future initiatives supported by the New Opportunities Fund could also potentially provide funding for swimming. Swimming is, of course, already eligible for Lottery funding from the four national Sports Councils.

Heritage Lottery Fund

Mr. Gareth Thomas: To ask the Secretary of State for Culture, Media and Sport what steps he is taking to ensure equity of distribution between metropolitan and non-metropolitan areas in the distribution of Heritage Lottery funds. [41450]

Mr. Banks: The Government are determined to ensure that Lottery money is allocated more fairly and equitably in the light of need across the whole of the United Kingdom and between different groups in society. The National Lottery Bill requires the Heritage Lottery Fund and the other Lottery distributors to demonstrate in their strategic plans how they will achieve this. The Bill also gives distributors new powers to encourage specific applications which do not come forward spontaneously. In addition, proposed new Policy Directions, drafts of which are in the Libraries of the House, emphasise the need to ensure that all parts of the country have equal access to Lottery funds. These measures should help areas that have benefited less in the past.

Mr. Gareth Thomas: To ask the Secretary of State for Culture, Media and Sport what criteria the Heritage Lottery Fund uses to decide whether an application has outstanding merit. [41451]

Mr. Banks: The Heritage Lottery Fund (HLF) uses seven main criteria to assess applications. These are as follows:

Importance of the project to the heritage

Conservation benefits of the project

Access benefits of the project

Additional public benefits

Quality of design of the project

Financial need and viability

Strengths of the organisation.

Further information on the assessment process is set out in the HLF's application pack, which has recently been updated. Copies are available in the House Libraries.

HOUSE OF COMMONS

Regional Grand Committees

38. **Mr. Mitchell:** To ask the President of the Council what proposals she has for regional Grand Committees. [41335]

Mrs. Ann Taylor: Standing Order No. 117 already provides for the establishment of a Standing Committee on Regional Affairs.

Back Benchers' Debates

39. **Mrs. Gorman:** To ask the President of the Council what plans she has to improve opportunities for debates for Back Benchers. [41336]

Mrs. Ann Taylor: I am prepared to listen to any suggestions, but it will not be easy to find extra time for such debates within the current sitting hours of the House.

Ministerial Replies

41. **Mr. Ian Bruce:** To ask the President of the Council if she will make a statement on her progress in ensuring earlier replies to hon. Members from her ministerial colleagues. [41338]

Mrs. Ann Taylor: Further to my comments in the House on 12 March 1998, *Official Report*, column 752, I wrote to my Ministerial colleagues on 31 March 1998 asking them to take action where necessary and Sir Richard Wilson has written to all Permanent Secretaries asking them to make every effort to ensure high quality and timely replies.

Modernisation Committee

Mr. Skinner: To ask the President of the Council what representations she has received on the reports of the Select Committee on the Modernisation of the House of Commons. [41331]

Mrs. Ann Taylor: Almost all the representations I have received support the recommendations of the Committee. The House will be able to consider the third and fourth reports in a debate after the Whitsun recess.

Parliamentary Working Hours

Mr. Baker: To ask the President of the Council what plans she has to alter the working hours of the House. [41334]

Mrs. Ann Taylor: The Modernisation Committee will shortly be considering the parliamentary calendar, including the working hours of the House.

Number of Members

Mr. Viggers: To ask the President of the Council if she will undertake a review of the total number of hon. Members of the House. [41337]

Mrs. Ann Taylor: The Scotland Bill, currently before the House, provides for some reduction in the number of Members of the House after the next Boundary Commission report is implemented. I have no other plans to review the size of the House.

Recycling Sacks

Mr. Brake: To ask the Chairman of the Administration Committee how many recycling sacks were distributed around the Palace of Westminster last year. [41330]

Mrs. Roe: In Financial Year 1997–1998, 100,000 paper recycling sacks were issued over the Parliamentary Estate.

INTERNATIONAL DEVELOPMENT

India

Dr. Tonge: To ask the Secretary of State for International Development what plans her Department has to review aid contributions to the Indian sub-continent. [42563]

Clare Short: The British development programmes in India, Pakistan, Bangladesh, Sri Lanka and Nepal are being reviewed this year in the light of the new policies set out in the Government's *White Paper on International Development*.

Pakistan

Sir Alastair Goodlad: To ask the Secretary of State for International Development what aid programmes her Department is currently supporting in Pakistan and at what costs; and what was the comparable figure for 1997–98. [42232]

Clare Short: The main focus of our development co-operation with Pakistan is improving basic social services, such as elementary education and reproductive health. We are also helping to create better basic infrastructure and livelihoods for poor communities, in both rural and urban areas; and we are supporting various initiatives by Pakistan to enhance the quality of its governance. Final disbursement figures for the 1997–98 UK Financial Year are not yet available, but are expected to maintain the present pattern of spending on our bilateral programme of around £25 million annually.

Montserrat Building Society

Sir Alastair Goodlad: To ask the Secretary of State for International Development what actions she has taken and what actions she proposes to assist the Montserrat Building Society. [41805]

Clare Short: I refer the right hon. Member to the reply given by my hon. Friend the Under-Secretary on 11 May 1998, *Official Report*, column *21*. My right hon. Friend the Foreign Secretary is responsible for co-ordinating HMG's policy in respect of the Montserrat Building Society and other matters.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what discussions she has had with *(a)* the Building Societies Association and *(b)* the Bank of England about the Montserrat Building Society. [41804]

Clare Short: None. HMG's policy towards the Montserrat Building Society is a matter for my right hon. Friend the Foreign Secretary.

The Foreign and Commonwealth Office have been in close contact with the Bank of England. The Bank has offered advice but neither it nor the Building Societies Association has regulatory power in this case.

Sri Lanka

Sir Alastair Goodlad: To ask the Secretary of State for International Development what aid programmes her Department is currently supporting in Sri Lanka and at what cost; and what was the comparable figure for 1997–98. [42234]

Clare Short: We provided around £6 million of bilateral development assistance in 1997–98 to Sri Lanka, and expect to maintain this level of expenditure in the current year. The programme focuses on two major issues: raising the quality of primary education and helping those affected by civil conflict.

We are working closely with the World Bank in improving education, concentrating on management and planning, and Maths and English. We are financing a relief and rehabilitation programme for families displaced by the civil conflict in the North and East, and contributing to parallel programmes of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC). In addition, we are developing participatory management techniques with the Forest Department, raising the environmental management capacity of the Mahaweli Development Authority and improving the management of Colombo's sewers.

Afghanistan

Sir Alastair Goodlad: To ask the Secretary of State for International Development what aid programmes her Department is currently supporting in Afghanistan and at what cost; and what was the comparable figure for 1997–98. [42258]

Clare Short: In March 1998, the Department for International Development (DFID) announced a £7.5 million humanitarian aid package for Afghanistan. This assistance will be disbursed over the 1997–98 and 1998–99 financial years as follows:

- £2 million to the International Committee of the Red Cross (ICRC) for medical relief;
- £4.4 million in response to the UN consolidated appeal for Afghanistan:
- £2 million for demining
- £1.9 million to help international agencies function in Afghanistan; support for strengthening co-ordination between aid agencies and for communications, logistics and aircraft to deliver essential supplies and personnel
- £500,000 for UN Food and Agriculture Organisation for improving livestock production;
- £1.1 million to non governmental organisations for education, health water and sanitation project.

We do not yet have the final figures for expenditure during 1997–98; however, the expected outturn will be approximately £8 million.

Consultation Papers

Mr. Gordon Prentice: To ask the Secretary of State for International Development if she will list the consultation papers published since 1 May 1997 giving the date of publication, closing date for submissions and the number of respondents. [42242]

Clare Short: No consultation papers have been published by the Department for International Development.

British Council

Sir Alastair Goodlad: To ask the Secretary of State for International Development what measures she proposes to take to ensure that the work funded by the grant in aid

to the British Council reflects her Department's aims of eliminating poverty in poorer countries; and if she will make a statement. [41806]

Clare Short: As part of the Departmental Spending Review, we are looking at the present funding arrangements of the Grant-in-Aid and the uses to which the funds are put. The outcome of the Reviews will be known by the summer.

Sudan

Sir Alastair Goodlad: To ask the Secretary of State for International Development what discussions she has held with *(a)* UNICEF, *(b)* the Red Cross and *(c)* representatives of the World Food Programme about humanitarian assistance for Sudan; and if she will make a statement. [41870]

Clare Short: I met UNICEF representatives on 29 April. My officials are in close contact with the Red Cross and other international non-governmental organisations about the humanitarian situation in Sudan. We are also in regular contact with the World Food Programme in Rome, Khartoum and Nairobi.

The World Food Programme believes that there are now sufficient resources available and enough flights to deliver the supplies through until August, when the harvests are due to start. But we stand ready to provide more funds if needed.

Sir Alastair Goodlad: To ask the Secretary of State for International Development (1) what representations she has made to the Government of Sudan about restrictions on flights to Bahr al Ghazal since 9 March; and if she will make a statement; [41873]

(2) what representations she has made to the Government of Sudan about the opening of relief corridors in Bahr al Ghazal since 9 March; and if she will make a statement. [41872]

Clare Short: We have pressed all parties to the conflict bilaterally and in our EU Presidency role for greater access to those in need. At our instigation, Sudan was discussed at the United Nations Security Council on 5 May.

Commonwealth Development Corporation

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will publish the Commonwealth Development Corporation's new code of conduct. [41746]

Clare Short: The Commonwealth Development Corporation (CDC) existing statement of business principles refer to the annual report. CDC is currently working on a more detailed code of conduct which will be developed during 1998 based on a process of close consultation with interested parties. The new code of conduct will be published.

UN Convention on the Rights of the Child

Sir Alastair Goodlad: To ask the Secretary of State for International Development what representations she has made about changes to the United Nations Convention on the Rights of the Child; and if she will make a statement. [42229]

Clare Short: My Department has not made representations about changes to the UN Convention on the Rights of the Child. We support international efforts to enhance children's well-being through implementation of the Convention. We also promote children's protection and participation alongside the provision of effective and sustainable services.

Indonesia

Sir Alastair Goodlad: To ask the Secretary of State for International Development how much her Department spent in (i) 1996–97 and (ii) 1997–98 on programmes in Indonesia for *(a)* forestry management, *(b)* assistance to trade unions and *(c)* developing non-Governmental organisation activities in East Timor; and what plans she has for comparable expenditure in 1998–99. [42277]

Clare Short: Actual and forecast expenditure figures are as follows:

£000

	1996–97	*1997–98*	*1998–99*
Forestry	4,038	2,378	[1]1,350
Trade Unions	0	0	[1]250
NGOs in East Timor	0	0	[1]350

[1] Forecasts

Sir Alastair Goodlad: To ask the Secretary of State for International Development what assistance her Department is giving to the Indonesian Human Rights Commission; and at what cost. [42276]

Clare Short: My Department is not currently assisting the Indonesian Human Rights Commission.

Sir Alastair Goodlad: To ask the Secretary of State for International Development which assistance programmes in Indonesia have been discontinued by her Department in *(a)* 1997–98 and *(b)* 1998–9. [42275]

Clare Short: All commitments inherited from the previous administration, some of which run to the year 2000, are running their full course. The Aid and Trade Provision is discontinued. We no longer support Police Training. Future assistance will centre on three areas; forestry management with stronger emphasis on the needs of the poor, trade unions and NGOs in East Timor.

UN Agencies

Sir Alastair Goodlad: To ask the Secretary of State for International Development what was the financial contribution made by her Department to UN agencies during 1997–98; and what is the planned figure for 1998–99. [41748]

Clare Short: The Department for International Development (DFID) provided an estimated £123 million through multilateral programmes in 1997–98. In 1997, we also provided a further £30 million to UN agencies through our bilateral and emergency programmes in response to specific appeals.

In 1998–99, we plan to provide at least £117 million to the UN through our multilateral programmes. In addition, we expect to provide further assistance under our bilateral and emergency aid programmes.

DEFENCE

Army Recruitment

1. **Mr. Borrow:** To ask the Secretary of State for Defence if he will make a statement on the latest recruitment figures for the Army. [41294]

Mr. George Robertson: In the year to 31 March, the Army recruited 13,926 soldiers, the highest number since 1991. In addition, 708 officers were granted commissions during that period. The totals are, respectively, 88 per cent. and 97 per cent. of the targets for the year.

Bosnia

18. **Mr. Key:** To ask the Secretary of State for Defence if he will make a statement about the future deployment of British troops in the Balkans following the expiry of the SFOR mandate. [41313]

Mr. George Robertson: NATO is currently considering options for the size and shape of a force in Bosnia after June 1998. The Government will decide the precise nature of the UK's contribution in light of the recommendations of the NATO authorities and will announce the outcome to Parliament as soon as possible thereafter.

Whilst the UK is seeking a reduction from its current contribution to SFOR, we expect to remain the second largest contributor after the United States.

Warships

19. **Mr. Viggers:** To ask the Secretary of State for Defence how many destroyers and frigates are undertaking long-term international commitments; and how many are currently undergoing refit or port maintenance. [41314]

Dr. Reid: Seven Destroyers/Frigates are currently undertaking long term international commitments. Four Destroyers/Frigates are undergoing refit or planned maintenance which reduces operational availability. Six Destroyers/Frigates are undergoing routine planned maintenance periods of three to six weeks which do not reduce operational availability and a further one is undergoing unplanned defect rectification.

Carrier Operations

20. **Sir Michael Spicer:** To ask the Secretary of State for Defence if he will list those naval vessels which are required to support carrier operations. [41316]

Dr. Reid: Carrier operations are invariably supported by anti-submarine frigates, Air Defence destroyers and Royal Fleet Auxiliaries. Additionally, all other Fleet units, including submarines, mine-countermeasure vessels, specialist amphibious shipping and survey vessels may be required to support Carrier Operations depending upon the specific nature of the operation, the role of the carrier and the operating environment.

Jaguar Squadrons

21. **Mr. Wilkinson:** To ask the Secretary of State for Defence when each of the two Royal Air Force Jaguar offensive support squadrons and the Jaguar reconnaissance squadron will be disbanded. [41317]

Dr. Reid: Under current plans, the first Jaguar squadron will disband in April 2005, the second in March 2006 and the third in October 2008. The Strategic Defence Review has examined all aspects of the structure of the Armed Forces, including the Fast Jet fleet. Proposals on the SDR have been submitted to the Prime Minister and Cabinet. The Cabinet will now decide collectively on the outcome of the review. Publication of the SDR White Paper will follow as soon as decisions have been made.

Defence Diversification

22. **Ms Ward:** To ask the Secretary of State for Defence when the consultation period on the Government's Green Paper on defence diversification ends. [41318]

Mr. George Robertson: I refer my hon. Friend to the answer I gave earlier today to my hon. Friend the Member for Portsmouth, North (Mr. Rapson).

Territorial Army

23. **Mrs. Brinton:** To ask the Secretary of State for Defence if he will make a statement on the future of the Territorial Army infantry. [41319]

Dr. Reid: The Strategic Defence Review has examined all aspects of our Armed Forces, including the Territorial Army and its Infantry Battalions. We have not yet taken any final decisions and it would be wrong for me to speculate as to what they might be.

What I can say is that we clearly need a Territorial Army that is relevant to today's strategic environment, structured for all the roles that we can plausibly foresee. Our aim is to achieve a capable and useable Territorial Army, one that is modern, fit and ready for the service of a modern Britain.

Mrs. Virginia Bottomley: To ask the Secretary of State for Defence what recent representations he has received on the future of the Territorial Army centres. [41301]

Dr. Reid: My Department has received a number of representations concerning the future of many Territorial Army units and the centres they occupy.

New Deal

24. **Mr. Savidge:** To ask the Secretary of State for Defence what contribution his Department is making to the Government's new deal initiative. [41320]

Mr. George Robertson: I refer my hon. Friend to the reply I gave earlier today to my hon. Friend the Member for Tamworth (Mr. Jenkins).

Iraq

25. **Mr. Clifton-Brown:** To ask the Secretary of State for Defence if he will make a statement on his strategy for military deployment in the middle east to ensure compliance with United Nations resolutions relating to Iraq. [41321]

Mr. George Robertson: UK forces remain deployed in the Gulf to help ensure that Saddam Hussein complies with all relevant United Nations Security Council Resolutions. We would wish to see a pattern of Iraqi

compliance with relevant UNSCRs over a period of time before considering whether to change our military capability in the region.

Land Mines

26. **Helen Jones:** To ask the Secretary of State for Defence what plans his Department has to dispose of the United Kingdom's stocks of anti-personnel land mines. [41322]

30. **Mr. Jim Cunningham:** To ask the Secretary of State for Defence what plans his Department has to dispose of the United Kingdom's stocks of anti-personnel land mines. [41326]

Mr. George Robertson: Plans have been drawn up to destroy all of the Army's operational stocks of anti-personnel land mines by 1 January 2000, which is well ahead of the timetable laid down by the Ottawa Convention. We are still working on arrangements for the destruction of the HB876 anti-personnel submunition of the RAF's JP233 Airfield denial weapon, but I am confident that this, too, will be achieved well before the Ottawa Convention deadline.

European Defence Industry

28. **Caroline Flint:** To ask the Secretary of State for Defence if he will make a statement on progress towards restructuring of the European defence industry. [41324]

Mr. Spellar: The Government are keen to play their part in maintaining the impetus on this important initiative. To this end, my right hon. Friend the Secretary of State for Defence met his counterparts from France, Germany, Italy and Spain on 20 April in order to discuss their common interest in restructuring the European defence industry. A joint statement was issued, in which ministers agreed to take action in five key areas: security of supply; export procedures; research and development funding; security of information and personnel clearances; and intellectual property rights. A letter of intent spelling out the objectives and principles for handling these issues and the timetable for the tasks involved is planned to be approved in June 1998.

Equal Treatment

29. **Dr. Julian Lewis:** To ask the Secretary of State for Defence if he will make a statement on the equal treatment of men and women serving in the armed forces. [41325]

Dr. Reid: The Armed Forces are committed, within the limits of the law, to being an equal opportunities employer, and to ensuring that progression through the Services is based solely on merit and ability. Men and women are recruited, interviewed and trained using the same procedures, and no special or preferential treatment is given to anyone who wishes to join the Armed Forces.

We are determined to recruit the brightest and the best to the Armed Forces, irrespective of gender, ethnic origin or religious beliefs. We have increased opportunities for women in the Army and have commissioned a fundamental review of the remaining areas where women are excluded on combat effectiveness grounds.

Future Large Aircraft

31. **Mr. MacShane:** To ask the Secretary of State for Defence if Her Majesty's Government will order the FLA troop and tank-carrying aircraft made by British firms. [41327]

Mr. Spellar: The Request for Proposals has been issued to Airbus, Turkish Aerospace Industries, Alenia and FLABEL on a provisional basis pending the formation of Airbus Military Company. We are still discussing with our partners when Requests for Proposals will be issued to other potential suppliers. A procurement decision will be made in the light of the conclusions of the Strategic Defence Review and of the responses to the Request for Proposals. FLA, as currently envisaged, will not be able to carry Main Battle Tanks.

Armoured Fighting Vehicle Training

32. **Mr. Ian Bruce:** To ask the Secretary of State for Defence if he will make a statement on his progress in finding alternative uses for *(a)* the Royal Navy facilities being released by the move of HMS Osprey and *(b)* the facilities at Bovington made available by the civilianisation of armoured fighting vehicle training. [41328]

Dr. Reid: At present, no alternative defence uses for the site at HMS Osprey have been identified. The Army Training and Recruiting Agency is looking at the site in the context of a study into options for rationalisation of the Adjutant General's Corps Training Group, which currently occupies a number of sites in the South. The results of the study will be published at the end of June. The awards of the facilities management contract at the Royal Armoured Corps Centre at Bovington and Lulworth has not resulted in the release of any specific facilities.

Gulf War Syndrome

Mr. David Heath: To ask the Secretary of State for Defence what is his policy in respect of members, or former members, of the reserve forces suffering from Gulf war syndrome. [41304]

Dr. Reid: Since coming into office, the Government have taken a wide range of initiatives to address the health concerns of Gulf veterans. These include work on issues of particular concern to those veterans who were mobilised from the reserves to serve during the conflict.

Plutonium

Mr. Baker: To ask the Secretary of State for Defence if he will make a statement on his policy in respect of his Department's plutonium holdings. [41323]

Mr. Spellar: I have nothing to add to the answer given to the hon. Member by my hon. Friend the Minister for the Armed Forces on 13 March 1998, *Official Report*, column *432*.

Departmental Research

Dr. Starkey: To ask the Secretary of State for Defence (1) what percentage of applications from women, in relation to his Department's research budget, were successful for *(a)* project grants, *(b)* programme grants, *(c)* special grants intended for new investigators, *(d)* studentships and *(e)* fellowships, in 1997 and each of the two previous years; [40880]

(2) what percentage of applications, in relation to his Department's research budget, were from women, for *(a)* project grants, *(b)* programme grants, *(c)* special grants intended for new investigators, *(d)* studentships and *(e)* fellowships, in 1997 and each of the two previous years. [40881]

Mr. Spellar: Funding from the Defence research budget in respect of project grants and programme grants is specified not by individual names but by research packages and technology groups. New researchers may apply for funding under the Joint Grants Scheme, under which the relevant Research Council and MOD may each make up to a 50% contribution to research proposals with potential Defence application. Information on grants provided is not available in the form requested, as applicants are not required to give information about their sex. Studentships in engineering, both pre-university and for sponsorship until University finals, are funded from a central MOD budget and not from the Defence research budget. Historic figures are not kept but, of those currently sponsored by MOD to read engineering, 6.8% are women. A system of Research fellowships is being introduced in the current financial year. The process is at an early stage and information on the percentage of applications from women is not yet available.

Sierra Leone

Sir Alastair Goodlad: To ask the Secretary of State for Defence when British aid was first delivered to the towns of *(a)* Bo, *(b)* Kenema and *(c)* Makeni in Sierra Leone by HMS Cornwall. [41938]

Mr. George Robertson: British aid was first delivered by HMS Cornwall to Bo on 2 March, Kenema on 3 March and Makeni on 7 March.

Mr. Key: To ask the Secretary of State for Defence if he will place in the Library a copy of the ship's programme for HMS Cornwall which include her visit to Sierra Leone in March. [41880]

Mr. George Robertson *[holding answer 14 May 1998]:* The information on HMS Cornwall's programme of port visits since leaving the UK on 16 February is as follows:

Date	
18–19 February 1998	Routine port visit to Gibraltar to refuel.
25 February 1998	Arrived Conakry, Guinea.
27 February 1998	Sailed Conakry.
1 March 1998	Arrived Freetown, Sierra Leone.

During the period 1 to 20 March, Cornwall left Freetown on a number of occasions as follows:

Date	
3–5 March 1998	Moved further south along the coast to position closer to Bo and Kenema and to replenish fresh water.
7–9 March 1998	Off the coast of Sierra Leone to make fresh water and for ship's company R and R.
11–12 March 1998	Overnight off the coast of Sierra Leone to make fresh water.
13–14 March 1998	Off the coast of Sierra Leone for ship's company R and R.
15–16 March 1998	Off the coast of Sierra Leone to replenish water stocks.
20 March 1998	Sailed Freetown.
3–6 April 1998	Agadir.
8–19 April 1998	Tenerife.
20–22 April 1998	Nouadhibou, Mauritania.
24–27 April 1998	Conakry, Guinea.
1–5 May 1998	Douala, Cameroon.
7–11 May 1998	Owendo, Gabon.
14–18 May 1998	Luanda, Angola.

The remainder of Cornwall's programme currently includes visits to Namibia, South Africa, Ascension Island, and Ghana. There are also plans for her to pay a return visit to Freetown. Cornwall returns to the UK in August.

Mr. Wilshire: To ask the Secretary of State for Defence if he will list those British military personnel who have served in Sierra Leone since 1 January 1996 indicating their *(a)* name, rank and post held, *(b)* dates of service and *(c)* tasks undertaken. [41819]

Mr. George Robertson *[holding answer 14 May 1998]:* The details of British military personnel who have served in Sierra Leone since 1 January 1996 are as follows:

Date	*Rank*	*Role*
October 1995-March 1996	Lt. Col.	British Military Liaison Officer (BMLO), providing advice to the British High Commissioner and to Sierra Leone Armed forces on restructuring and training
March 1996-October 1996	Lt. Col.	BMLO
22–26 September 1996	1 x Lt. Col.	To advise the Republic of Sierra Leone Military Forces on civil-military relations
October 1996-April 1997	Lt. Col.	BMLO
24 November-1 December 1996	1 x Lt. Cdr RN 1 x Lt. RN	Advice on structure, capability and operating procedures of Navy
23 March-7 June 1997	1 x Capt. 1 x WO2	Advice on basic military skills. (WO2 withdrawn on medical grounds on 16 May 1997)

I am considering whether to release the names of those concerned, having regard to their current appointments and the Code of Practice on Access to Government Information. I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

In addition, Lt. Col. Hicks deployed to Conakry, Guinea, on 15 February prior to moving to Sierra Leone from 5–17 March 1998, as a military liaison officer in support of the British High Commissioner. He also visited Sierra Leone from 28 April-8 May 1998. Col. Gale who was the Defence Adviser in Accra, Ghana with non-resident accreditation (NRA) to Freetown between 1 January 1996 and February 1998, is currently serving in Sierra Leone as the Military Adviser to the United Nations Secretary General's Special Envoy. Lt. Col. Glover succeeded Col. Gale as Defence Adviser in Accra, with NRA to Freetown in February 1998; he visited Sierra Leone from 17–20 March 1998.

Mr. Blunt: To ask the Secretary of State for Defence when HMS Cornwall received orders to proceed to Sierra Leone. [42098]

Mr. George Robertson *[holding answer 14 May 1998]:* HMS Cornwall was instructed on 27 February 1998 to enter Freetown on 1 March.

Mr. Key: To ask the Secretary of State for Defence if he will give the latitude and longitude of HMS Cornwall at 0400 on 28 February. [41878]

Mr. George Robertson *[holding answer 14 May 1998]:* On 28 February at 0400, HMS Cornwall was at the position 08–53.2N8 latitude and 013–47.SW3 longitude.

Mr. Key: To ask the Secretary of State for Defence if he will place in the Library a copy of the ship's log of HMS Cornwall between 1 January and 1 April. [41879]

Mr. George Robertson *[holding answer 14 May 1998]:* The logs requested are being collected in the UK and I will write to the hon. Member about the possible release of copies as soon as I am able.

Mr. Maclean: To ask the Secretary of State for Defence on what dates between 2 May 1997 and 4 May 1998 his Private Office received submissions or briefing notes on the situation in Sierra Leone. [42084]

Mr. George Robertson *[holding answer 14 May 1998]:* A large number of submissions and briefing notes which contained reference to the situation in Sierra Leone were received in my private office throughout the period in question.

Mr. Keith Simpson: To ask the Secretary of State for Defence (1) on what date the Minister for the Armed Forces was first consulted about making available his Department's resources, equipment, communications facilities, military bases and service and civilian personnel in support of Sandline International's involvement in restoring the Government of Sierra Leone; [41844]

(2) on what date he was first consulted about making available his Department's equipment, communications facilities, military bases and service and civilian personnel in support of Sandline International's involvement in restoring the Government of Sierra Leone. [41843]

Mr. George Robertson *[holding answer 14 May 1998]:* Neither my hon. Friend the Minister for the Armed Forces nor I was consulted about any such proposal.

Mr. Soames: To ask the Secretary of State for Defence (1) on what day *(a)* his officials or *(b)* his Private Office first gave him papers relating to potential operations by Sandline or others in Sierra Leone; and on what date he acknowledged them; [41958]

(2) on what day the Defence Intelligence Organisation first passed him details of potential operations by Sandline and others in Sierra Leone. [41959]

Mr. George Robertson *[holding answer 14 May 1998]:* As far as I have been able to ascertain, the first report which my office received of Sandline's involvement in Sierra Leone was circulated on 11 March, referring to allegations of Sandline training the Kamajor. There was no mention in this report of arms supplies or a breach of the arms embargo. Potential operations and activities of others, primarily ECOMOG forces, were referred to in a number of reports circulated within the Department, including to Ministers' Offices, dating back to May 1997.

Mr. Wilshire: To ask the Secretary of State for Defence if he will list the aircraft and helicopters maintained, serviced and repaired by Royal Navy personnel based aboard HMS Cornwall since 1 January 1996 indicating *(a)* the type of aircraft or helicopter, *(b)* the owner of the aircraft or helicopter, *(c)* the dates when the work was carried out, *(d)* the location where the work was carried out and *(e)* the nature of the work done. [41818]

Mr. Key: To ask the Secretary of State for Defence what technical assistance has been given by British military personnel on board HMS Cornwall or on land in Sierra Leone, Guinea or Liberia to Sandline International since 1 January. [41877]

Mr. George Robertson *[holding answer 14 May 1998]:* The information back to 1996 is not readily available. However, HMS Cornwall has reported that, in March 1998, the ship's crew gave assistance on two occasions to an HIP MI 17 helicopter operated by Sandline in support of the ECOMOG Operations. On 6 March, the ECOMOG helicopter, carrying their Task Force Commander, landed at a heliport alongside HMS Cornwall after a bird strike. HMS Cornwall staff spent 2 hours repairing the aircraft. On 13 March the same helicopter sought and received minor assistance at the same heliport.

Sir George Young: To ask the Secretary of State for Defence if the inquiry announced by the Foreign Secretary on 6 May will cover the role of Ministers and civil servants in his Department. [41858]

Mr. George Robertson *[holding answer 14 May 1998]:* Yes, where relevant.

Sir George Young: To ask the Secretary of State for Defence what was the role of HMS Cornwall in the waters off Sierra Leone in February and March. [41861]

Mr. George Robertson *[holding answer 14 May 1998]:* Following the ousting of the military junta by ECOMOG forces, HMS Cornwall was deployed to Sierra Leone to provide immediate humanitarian assistance to

the people of Sierra Leone, to support our diplomatic efforts there, and to assist in the return of the British High Commissioner.

Sir George Young: To ask the Secretary of State for Defence (1) what role was played by British armed services in the recent overthrow of the military junta in Sierra Leone and the restoration to power of President Kabbah; [41860]

(2) when officials in his Department were informed of the role of the UK armed services in the recent overthrow of the military junta and the restoration to power of President Kabbah in Sierra Leone; [41859]

(3) when Ministers were informed of the role of UK armed services in the recent overthrow of the military junta and the restoration to power of President Kabbah in Sierra Leone. [41857]

Mr. George Robertson: The UK armed services did not have such a role.

Mr. Keith Simpson: To ask the Secretary of State for Defence (1) what specific departmental resources, equipment, communication facilities, military bases and service and civilian personnel supported Sandline International's involvement in restoring the Government of Sierra Leone; [41842]

(2) on what date the Chief of the Air Staff, the Assistant Chief of the Air Staff and their outer offices were first informed about the involvement of his Department's personnel and military assets in support of Sandline International in restoring the Government of Sierra Leone; [41836]

(3) on what date the Chief of the Naval Staff, the Assistant Chief of the Naval Staff and their outer offices were first informed about the involvement of his Department's personnel and military assets in support of Sandline International in restoring the Government of Sierra Leone; [41838]

(4) on what date the Permanent Secretary and his outer office staff were first informed about the involvement of his Department's personnel and military assets in support of Sandline International in restoring the Government of Sierra Leone; [41840]

(5) on what date the Assistant Chief of the Defence Staff (Operations and Security) and his outer office were first informed about the involvement of his Department's personnel and military assets in support of Sandline International in restoring the Government of Sierra Leone; [41835]

(6) on what date the Chief of the General Staff, the Assistant Chief of General Staff and their outer offices were first informed about the involvement of his Department's personnel and military assets in support of Sandline International in restoring the Government of Sierra Leone; [41837]

(7) on what date the Chief of Defence Intelligence and his staff were first informed about the involvement of his Department's personnel and military assets in support of Sandline International in restoring the Government of Sierra Leone; [41839]

(8) on what date the Chief of the Defence Staff and his outer office were first informed about the involvement and his Department's personnel of military assets in support of Sandline International in restoring the Government of Sierra Leone. [41841]

Mr. Soames: To ask the Secretary of State for Defence on what day and at what level his Department first discussed with the Foreign and Commonwealth Office potential operations by Sandline or others in Sierra Leone. [41960]

Mr. George Robertson *[holding answer 14 May 1998]:* My right hon. Friend the Foreign Secretary has made clear his intention, following the Customs investigation, to ask someone from outside the Foreign Office or Diplomatic Service to conduct a full investigation into events surrounding this case. The report of that investigation will be published.

Guardsmen Fisher and Wright

Mr. Dalyell: To ask the Secretary of State for Defence what discussions the Minister for the Armed Forces had at his recent meeting with representatives of the Scots Guards Association on the effect of the case of Guardsmen Fisher and Wright on the morale of the regiment. [41227]

Dr. Reid: I had a worthwhile exchange of views at my meeting on 13 May with representatives of the Scots Guards Association. The effect of the case of Guardsmen Fisher and Wright on the morale of the Regiment was not raised, although the issue of morale was raised in more general terms.

Military Law

Mr. Colvin: To ask the Secretary of State for Defence what plans he has for changes to the present system of military law and courts martial. [41813]

Dr. Reid: The court-martial system was reformed by a series of measures included in the Armed Forces Act 1996. These reforms were wide ranging and were designed to reinforce the independence of the court-martial, principally by reducing the apparent influence of the chain of command, whilst preserving its necessary involvement.

We are satisfied that these recent changes to the court-martial system will ensure its continuing effectiveness into the next millennium. However, we are aware that we cannot afford to be complacent, so the system is kept under constant review to ensure it remains efficient procedurally as well as substantively. To this end, we are currently investigating ways of preventing backlogs within the system.

Resettlement Courses

Mr. Key: To ask the Secretary of State for Defence if he will extend *(a)* the size of the grant and *(b)* the length of time allowed for the individual refund scheme for military personnel to attend approved resettlement courses. [41867]

Dr. Reid: The Individual Refund Scheme (IRS) permits all serving members of the Armed Forces to reclaim a proportion of the cost of fees paid to civilian

bodies for certain personal development courses and examinations. The Individual Resettlement Training Costs (IRTC) grant is a separate allowance payable to personnel with five years or more Service, in their final year, to help meet the costs of resettlement training courses. As part of the Strategic Defence Review, we are examining possible enhancement of the provision of education for Servicemen and Servicewomen.

Foxes

Mr. Key: To ask the Secretary of State for Defence how many foxes were taken in each of the last three years on his Department's land *(a)* by hunts, *(b)* by shoots and *(c)* by vermin controllers. [41869]

Mr. Spellar: I refer the hon. Member to the reply I gave to my hon. Friend the Member for Birmingham, Erdington (Mr. Corbett) on 25 November 1997, *Official Report*, column *499*.

Army Engineers

Mr. Hill: To ask the Secretary of State for Defence if he will make a statement on the Army's engineer resources. [42870]

Dr. Reid: The consultation process on the conclusions of the Engineer Logistics Review has now ended. The review recommended that the Engineer Resources functions carried out at Long Marston should be disaggregated to new service providers and not transfer to Chilwell, as previously announced. A number of representations were received from the trades unions, local councils, individual employees and hon. Members. Having considered these representations very carefully, I am satisfied that no issues have arisen which would call into question the study's recommendations. I intend, therefore, to proceed to implement disaggregation with the objective of ceasing operations at the Long Marston Depot by December 1999.

Hunting

Mr. Key: To ask the Secretary of State for Defence (1) when the agreement was signed between him and the Masters of Foxhounds Association establishing the terms and conditions whereby the Association and recognised hunts may have access to his Department's land for the purpose of fox hunting; [41886]

(2) if under his proposals to harmonise the issuing of all hunting licences across his Department's estate, his policy on hunting practices and conditions laid down in previous licences will be changed; [42150]

(3) if licence applications to hunt with hounds on his Department's land in the 1998–99 season will be determined before the beginning of August. [42151]

Mr. Spellar: The new standardised licence is currently being drawn up by my officials in the Defence Estate Organisation. The Master of the Foxhounds Association will be consulted as part of the finalisation process which is planned to be complete by the beginning of August 1998. The licence will contain amended terms and conditions and will reflect those changes in hunting practices which were introduced on the Defence Estate during the last season.

Heavy Goods Vehicles

Mr. Hoyle: To ask the Secretary of State for Defence what procurement contracts have been placed since May 1997 by the armed services for trucks and other heavy goods vehicles. [42575]

Mr. Spellar: Since May 1997, 20 contracts have been placed by the armed services for 163 trucks and other heavy goods vehicles, which are defined as any logistic vehicle with a capacity over four tonnes. These details are:

Quantity	*Vehicle type*
2	Tractor unit 60 tonne 6x4
15	Truck cargo 4 tonne 4x4
16	Commercial trucks 16 tonne
6	Commercial trucks 16 tonne
1	Six yard skip handling
1	Rough terrain crane
20	Truck mounted runway sweeper
1	Tractor unit with crane
1	Truck mounted servicing platform
41	Tractor unit semi-trailer
4	Tractor unit semi-trailer
4	Truck van postal
1	Volvo FL10 tractor unit
7	Truck fire fighting
1	38 metre servicing platform
1	Truck van laboratory
5	Truck various
14	Airportable fuel dispense truck
11	A/C potable water/toilet servicing truck
11	De-ionised water tanker

Training

Mr. Key: To ask the Secretary of State for Defence how many man training days per year are spent on training on private land; and what would be the cost to his Department if charges were raised at the current rate of £1.50 per man day. [41885]

Mr. George Robertson: The three Services spend some 900,000 man training days per year on private land in the United Kingdom.

If charges were raised for this training, at the current rate of £1.50 per man per day, the cost for a year would be approximately £1.35 million.

FOREIGN AND COMMONWEALTH AFFAIRS

Party Political Meetings

Mr. Flight: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what factors underlay the decision of the Prime Minister to address the Party of European Socialists at the Foreign and Commonwealth Office on 7 April; [40750]

(2) if he will set out the rules concerning the holding of party political meetings in the Foreign and Commonwealth Office. [40751]

Mr. Robin Cook: When available, the historical rooms in the Foreign and Commonwealth Office are on occasion used by outside organisations (usually with an

international dimension) for meetings or receptions, and subject to payment of a fee: there must be no cost to public funds.

The only occasion since the General Election when these premises have been used for a party occasion was a meeting of the Party of European Socialists in the Foreign and Commonwealth Office on 7 April. This meeting was attended by eight European Prime Ministers, and represented a valuable opportunity to set out the Government's approach on employability and economic reform in advance of the Cardiff Summit. The meeting was held at no additional cost to public funds.

Ambassadors for British Business

Mr. Flight: To ask the Secretary of State for Foreign and Commonwealth Affairs what proportion of Ambassadors for British Business sit on Government committees. [42055]

Mr. Fatchett: I will write to the hon. Member with these details, and copies will be placed in the libraries of the House.

EU Legislation

Mr. Flight: To ask the Secretary of State for Foreign and Commonwealth Affairs how many *(a)* European Council and *(b)* European Commission (i) directives, (ii) regulations and (iii) decisions there were in 1997. [41956]

Mr. Doug Henderson: According to information from the Commission Annual Report for 1997, in 1997 the Council, either alone or acting jointly with European Parliament, enacted 34 Directives, 209 Regulations and 164 Decisions. The Commission enacted 35 Directives, 760 Regulations and 635 Decisions. A lot of these were implementing measures enacted under secondary legislation powers.

These figures exclude instruments not published in the Official Journal and routine management instruments valid for a limited period.

The Report also notes that, in the same period, more than 700 Commission instruments, and over 350 Council or Council and EP instruments, either expired or were repealed.

Edgar Fernandes

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs what liaison took place between the British consulate and the Turkish authorities on the disappearance of Edgar Fernandes; what subsequent liaison has taken place; and at what level. [42104]

Mr. Fatchett: The British Consulate General in Istanbul formally requested the Head Prosecutor in Istanbul to investigate urgently the disappearance of Edgar Fernandes. The Consul had meetings with the Deputy Chief of Police and the Head of Interpol about the matter. The Vice Consul accompanied a member of the Fernandes family to the Prosecutor's office following confirmation of Edgar Fernandes's death.

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations his Department has made to the Egyptian authorities to further the investigation into Edgar Fernandes's death. [42107]

Mr. Fatchett: Our Embassy in Cairo had asked the Egyptian authorities for a photograph of an Egyptian national suspected of being involved in Edgar Fernandes's death to assist in police investigations. The Egyptian national has been detained by the police in Malta. The Turkish authorities are investigating the death of Mr. Fernandes in Turkey.

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps his Department is taking to recover Edgar Fernandes's passport. [42106]

Mr. Fatchett: The British Consulate-General in Istanbul was informed by the Turkish authorities on 5 May that they had a record of Edgar Fernandes's passport leaving Turkey at the Bulgarian border on 20 April. Further checks by the British Embassy in Sofia on 6 May showed that a person using that passport entered Bulgaria by train from Turkey on 20 April and left by foot at Kulhata on the Greek border on 21 April.

Unfortunately, the Greek authorities do not keep records of EU passport holders entering/departing Greece. Interpol UK are currently following this matter up with the Greek authorities.

Japan

Mr. Wareing: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with the Association of British Civilian Internees in respect of their treatment by Japanese forces during the Second World War; what recent discussions he has had on these matters with his Japanese counterparts; and if he will make a statement. [42071]

Mr. Fatchett: I refer my hon. Friend to the statement I made during the adjournment debate on 29 April 1998, *Official Report*, columns 284–87.

Indonesia

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will call on the Government of Indonesia to show restraint when dealing with unarmed student demonstrators. [42458]

Mr. Fatchett: We have done so on a number of occasions.

Lockerbie

Mr. Dalyell: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations his Department has received from Mr. Martin Cadman in response to the Adjournment Debate of 29 April 1998 on Lockerbie. [42393]

Mr. Tony Lloyd: The Minister of State, Foreign and Commonwealth Affairs received a letter from Mr. Cadman on 14 May. It will be studied carefully and a reply will be issued shortly.

Defence Exports

Fiona Mactaggart: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he has

taken to ensure that defence exports promoted by his Department are not used to repress internal dissent in the purchasing countries. [41307]

Mr. Tony Lloyd: The most effective way of ensuring that defence exports are not used for internal repression including the repression of internal dissent is to carry out a thorough assessment of this risk when considering whether to authorise an export. This includes consideration of the human rights record of the recipient country and of the specific end-user, including its use of similar equipment, and the likelihood of diversion from the stated end-use or end-user. The export licensing criteria specify that exports will not be authorised if there is a clearly identifiable risk that the goods concerned might be used for internal repression.

HEALTH

Children's Rights

Mr. Stinchcombe: To ask the Secretary of State for Health if legislation is planned to develop those children's rights provided for by the Children Act 1989. [24336]

Mr. Boateng: We have no plans to legislate for the development of any children's rights provided for by the Children Act 1989. Development is a continuing process, often achieved by the dissemination of good practice and policies between local authorities and other organisations providing services to children.

Mr. Cox: To ask the Secretary of State for Health what consideration his Department is giving to the establishment of a children's commissioner for the United Kingdom. [27637]

Mr. Boateng: We have no plans to establish an office of Children's Rights Commissioner. During 1998 the Government will be preparing the Second United Kingdom Report to the United Nations Committee on the Rights of the Child in accordance with the requirements of Article 44 of the Convention on the Rights of the Child, 1989. We will take into account possible advantages of such an Office and seek progress in other countries where such an Office has been established.

Hospital Closures (Cornwall and Scilly)

Mr. Nicholls: To ask the Secretary of State for Health, pursuant to his answer of 5 May 1998, *Official Report*, column *354*, what factors will determine the timing of the announcement of his decision on the hospital closure programme proposed by Cornwall and Isles of Scilly Health Authority. [41943]

Mr. Milburn: My right hon. Friend the Secretary of State will announce his decision when he has given full and proper consideration to the proposals put forward by Cornwall and Isles of Scilly Health Authority.

Bogus Doctors

Mr. Gordon Prentice: To ask the Secretary of State for Health how many bogus doctors have been discovered *(a)* in private practices, *(b)* working as general practitioners in the NHS and *(c)* as hospital doctors in each year since 1990; and if he will make a statement. [42069]

Mr. Milburn: The information requested is not collected centrally. The General Medical Council (GMC) is responsible for maintaining the register of medical practitioners in order to distinguish the qualified from the unqualified medical practitioner.

Before doctors can practise anywhere in the United Kingdom, they must have obtained registration with the GMC. In each case the GMC requires originals of the diplomas and certificates confirming the applicant's qualifications and detailed documentation concerning experience.

The GMC keep their registration procedure under constant review to ensure that they are as secure as possible against fraud. As a further safeguard, the Department has issued guidance (PM(87)7, EL(92)53 and EL(92)84) reminding employing authorities that appointment procedures must ensure that candidates are properly registered with the GMC.

The GMC operates a 24 hour automated telephone inquiry service which can be accessed by authorities wishing to check a doctor's credentials. Additionally, an operator service is available during working hours for people wishing to make more detailed inquiries.

Chemotherapy (Wigs)

Mr. Bob Russell: To ask the Secretary of State for Health what proposals he has to provide wigs free of charge to outpatients who lose hair through chemotherapy treatment. [42260]

Mr. Boateng: We are currently looking into the subject of such charges as part of the wider comprehensive review of health services costs and charges.

Currently, a wig may be provided as part of National Health Service treatment if it is considered to be clinically necessary. As with the supply of any medication, patients will qualify for free wigs if they are hospital in-patients. Schedule 12 of the National Health Service Act 1977 states that

"no charge shall be made to a patient who is for the time being resident in hospital".

Out-patients cannot be said to be resident in hospital, and so are not entitled to the same automatic exemption from charges as in-patients.

Out-patients and day patients may qualify for full or partial exemption from charges on income grounds. If patients are in receipt of Disability Working Allowance, Family Credit, Income Support or Income-based Jobseeker's Allowance, they will be entitled to wigs free of charge. Additionally, people not in the groups who are automatically exempt may claim help with health costs through the NHS Low Income Scheme.

Waiting Lists (Cheshire)

Mr. Nicholas Winterton: To ask the Secretary of State for Health if he will make a statement on the number of patients in the area covered by the Cheshire Health Authority who have been waiting for operations for over a year; and what the figure was on 1 May 1997. [42159]

Mr. Milburn: Information on the numbers of patients awaiting admission to hospital, whether it be for surgery or for some other form of treatment, and how long they

had been waiting is published quarterly and shows the position at the end of the quarter. Information for 1 May 1997 is not therefore available. On 31 March 1997 414 patients resident in the areas covered by North and South Cheshire Health Authorities had been waiting more than a year for admission to hospital on either an ordinary or day case basis. The latest information currently available is for 31 December 1997 and this shows 1,328 patients waiting more than a year for admission.

Health Insurance

Mr. Jim Cunningham: To ask the Secretary of State for Health what assessment he has made of the advantages and disadvantages of insurance as a way for individuals to pay for long-term care. [42064]

Mr. Boateng: We have established a Royal Commission on the funding of long-term care for the elderly. The Commission has been asked to recommend how the cost of care should be shared between public funds and the individual, and will no doubt be looking at the role of insurance in this.

Anti-acne Drug

Mr. Flynn: To ask the Secretary of State for Health what reports he has received of adverse reactions following the use of the anti-acne drug Roaccutane/Accutane; and if he will make a statement. [42061]

Ms Jowell: In England, there have been more than 11,000 prescriptions for Roaccutane since 1987, the first year for which data are available. During this period, the Medicines Control Agency/Committee on Safety of Medicines have received a total of 625 reports covering 1,025 suspected adverse reactions associated with Roaccutane treatment in the United Kingdom. These reports cover a wide range of effects: the most frequently reported include skin and subcutaneous tissue reactions, musculoskeletal disorders and gastrointestinal disorders.

Roaccutane (oral isotretinoin) is available only on prescription for the treatment of severe acne which has failed to respond to antibiotics. It is recommended for use under the supervision of a consultant dermatologist. The product information for doctors and patients includes information on its adverse effects.

Hip Replacement

Mr. Flynn: To ask the Secretary of State for Health if he will ensure that inducements may not be offered to surgeons in order to encourage them to use specific hip replacement prostheses. [42063]

Mr. Boateng: Guidance on standards of business conduct for National Health Service staff is set out in circular HSG(93)5, copies of which are available in the Library. NHS trusts are responsible for ensuring that staff are aware of their responsibilities in this area.

Ashworth Hospital

Mrs. Mahon: To ask the Secretary of State for Health (1) if he will make a statement on the discovery of prescribed drugs collected by Ian Brady at Ashworth Hospital and the purposes for which they were collected; [42605]

(2) what assessment he has made of the current prescribing of drugs and checks on patients taking medication at Ashworth Hospital; [42606]

(3) what assessment he has made of the adequacy of procedures for the checking of items *(a)* coming in and *(b)* leaving Ashworth Hospital; [42607]

(4) what action he has taken regarding recent security breaches at Ashworth Hospital. [42604]

Mr. Boateng: The matters referred to are, in the first instance, the responsibility of the management of Ashworth Hospital Authority. The North West Regional Office of the National Health Service Executive (NWRO) monitors Ashworth Hospital Authority's performance of its responsibilities, and the High Security Psychiatric Services Commissioning Board (HSPSCB), which is also part of the NHS Executive, has a service agreement with Ashworth Hospital Authority relating to the type and level of services which the hospital is expected to provide.

Ashworth Hospital Authority introduced a revised security procedures manual in December 1997. The authority has arrangements in place for an ongoing audit of the manner in which the security procedures manual is being implemented across the hospital. Both the NWRO and the HSPSCB include, as part of their monitoring role, a review of the security arrangements in place at the hospital and the audit findings. Further changes to the security arrangements will be introduced if necessary.

The security procedures manual covers the checking of items coming into and leaving the hospital. This includes searches of packages and the escorting of visitors to and from the premises.

Arrangements are in place for patients to be observed while taking their medication, and an audit of drug prescribing is currently under way.

Any breach of security is investigated by the hospital, and more serious breaches are considered by the NWRO and the HSPSCB as part of their monitoring role.

Ashworth Hospital has informed the NWRO that a single tablet was found during a search of Mr. Brady's room in April this year. This is an internal matter, which hospital managers are best placed to deal with.

NHS Executive Regional Office

Mr. Sedgemore: To ask the Secretary of State for Health when he expects to establish the NHS Executive Regional Office for London; and if he will make a statement. [42671]

Mr. Dobson: In my statement on 3 February 1998, *Official Report*, column 843, I accepted the recommendations in Sir Leslie Turnberg's report on London's Health Services including the proposal that a single National Health Service Executive Regional Office for London should be a longer-term aim in order to ensure effective planning across London. I have now decided that it would be right to move more quickly on this front and I intend to establish such an Office from 1 April 1999. In the meantime, I expect the existing North and South Thames Regional Offices to continue to work closely with each other to ensure coherent strategic planning across London.

The decision to establish a single Regional Office for London necessarily affects the boundaries of other existing NHS Executive Regional Offices in the South of England and I intend to reorganise their boundaries to match more closely the boundaries of the Government Offices for the Regions. The following arrangements will be established from 1 April 1999.

A London Regional Office which will be coterminous with the proposed Greater London Authority.

A South East Regional Office which would cover Health Authorities in Kent, Surrey, Sussex (which are currently covered by South Thames Regional Office), Hampshire and the Isle of Wight (which are currently covered by the South and West Regional Office) Berkshire, Buckinghamshire, Oxfordshire and Northamptonshire (which are currently covered by the Anglia and Oxford Regional Office).

An Eastern Regional Office covering Health Authorities in Norfolk, Suffolk, Bedfordshire, Cambridgeshire (which are currently covered by the Anglia and Oxford Regional Office) and Essex and Hertfordshire (which are currently covered by North Thames Regional Office).

A South West Regional Office which will exclude Hampshire and the Isle of Wight.

In addition I intend to restructure the Department's Social Care Regional Offices so that from 1 April 1999 they are coterminous with the boundaries of the NHS Executive Regional Offices as follows:

The Northern Social Care Region will match the North West and Northern and Yorkshire NHS Executive Regional Offices.

The Central Social Care Region will match the West Midlands, Trent and Eastern NHS Executive Regional Offices.

The Southern Social Care Region will match the South West and South East NHS Executive Regional Offices.

The London Social Care Region will match the London NHS Executive Regional Office.

A map showing the new NHS Executive Regional Office structure has been placed in the Library.

The Regional Chairmen for the new NHS Executive Regional Offices will be:

London: Ian Mills

South East: Sir William Wells

Eastern: Rosie Varley

South West: Janet Trotter.

Their appointments will run until 31 October 1999, the date on which their original appointments were due to expire.

Sheppey Community Hospital

Mr. Wyatt: To ask the Secretary of State for Health if he will make a statement on the PFI for the new hospital on the Isle of Sheppey; and what contingency plans his Department has made in the event of failure of the PFI. [41919]

Mr. Milburn: We recognise the service need for improved hospital facilities at Sheppey. Thames Gateway National Health Service Trust, West Kent Health Authority and South Thames NHS Executive Regional Office are currently working hard to ensure a successful private finance initiative (PFI) scheme. Like all PFI schemes, to be approved the final agreed PFI solution must demonstrate it is affordable to the NHS and best value for money.

Should the decision be taken not to proceed with the PFI option then all the parties above will work together to find an alternative solution.

Mr. Wyatt: To ask the Secretary of State for Health what factors led the North Kent Health Trust to purchase a new greenfield site for the intended Sheppey Community Hospital prior to determination of the PFI. [41921]

Mr. Milburn: In the outline business case for this scheme the trust examined the option of developing on their current site, but this was discounted as it would have involved using a cemetery (now disused) which is on the site. Local consultation indicated that there would be considerable opposition to building across the cemetery and this could delay any start on site by a significant period. Additionally, there would have been high costs involved with the removal of remains to an alternative site. These were the reasons for purchasing the new greenfield site.

A greenfield site was identified as the preferred option in the outline business case long before the trust started testing for the private finance initiative scheme.

Sittingbourne Memorial Hospital

Mr. Wyatt: To ask the Secretary of State for Health what factors led to the construction of two new wards in the Sittingbourne Memorial Hospital in 1996–97; what funding was secured to staff and equip them; and when they will be staffed and equipped. [41920]

Mr. Milburn: The two new wards (for rehabilitation and general practitioner services) were constructed at the same time as the rest of the new community hospital at Sittingbourne. However, the costs of providing the full range of services at the new hospital had to be revised upwards. Since April 1997 West Kent Health Authority has funded outpatients, minor injuries and psychiatric day services at Sittingbourne hospital. West Kent Health Authority and Thames Gateway National Health Service Trust are aiming to open the two wards for rehabilitation and GP services by the end of this financial year.

Stroke Units

Mr. Jim Cunningham: To ask the Secretary of State for Health what plans he has to ensure that there is nationally available access to specialised stroke units. [34099]

Mr. Milburn *[holding answer 16 March 1998]:* In terms of hospital care, it is well established that rehabilitation after a stroke is best provided by properly organised multi-disciplinary teams, and we have endorsed this message in one of our Effective Health Care Bulletins.

It is currently the responsibility of local commissioners to assess the health care needs of their population and to commission services appropriately.

The Clinical Standards Advisory Group is currently undertaking a study on clinical effectiveness, using stroke as a marker condition, and has recently commissioned a survey of stroke services in a representative sample of National Health Service trusts. Its report is expected to be published later this year.

The NHS White Paper, The New NHS—Modern and Dependable, sets out a clear vision of the kind of NHS in which access to services, equity of care and the needs of all patients, including those with long term illness, are paramount.

AGRICULTURE, FISHERIES AND FOOD

Food Standards Agency

Mr. Gordon Prentice: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the financing of the Food Standards Agency. [41585]

Mr. Rooker: The Government intend to consult with interested parties on detailed proposals for a scheme of charges that would pass a greater proportion of the costs of food safety away from the taxpayer on to the food industry. These proposals are being drawn up in the light of the comments submitted during public consultation on the White Paper, The Food Standards Agency: *A Force for Change* (CM 3830).

Organophosphates

Mrs. Gorman: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 8 April 1998, *Official Report*, columns *233–34*, on organophosphates, if he will list the organisations which received funding in the past five years and indicate which studies were co-funded by *(a)* education institutions, *(b)* charitable institutions and *(c)* private sector companies. [41388]

Mr. Rooker: Details of the research and development of direct relevance to organophosphorus compounds and funded by the Government are given in the table. The price bands are as follows:

Band A: £500,00 or more
Band B: £300,000—£499,999
Band C: £100,000—£299,999
Band D: £50,000—£99,999
Band E: up to £50,000.

Funding body	*Research body*	*Title*	*Start date*	*End date*	*Price band*
MAFF/DH/HSE	Institute of Occupational Medicine	Epidemiological study to detect well defined chronic effects in humans of dipping sheep with OP products	November 1995	April 1999	A
MAFF	Medical School, University of Newcastle upon Tyne	Study of the long-term electrophysiological effects of sheep-dip OPs in the mouse nervous system	January 1997	March 1999	C
MAFF	CBD Porton Down	Dose effect profiles for OP sheep dips on brain electrical activity and sensitive behaviour indices in non-human primates	Expected shortly	3 years to complete	B
MAFF	Covance	Bioavailability of OP residues in fruit	December 1997	March 1999	D
MAFF	Institute of Food Research, Reading	The impact of informational content and presentational context on perceptions of specific food risks	April 1997	March 2000	C
MAFF	Institute of Food Research, Reading	Impact of media reporting of risk on public perceptions of OPs	February 1998	June 1998	E
MAFF	Covance Laboratories Ltd.	Bioavailability of OP pesticide residues in fruit and vegetables	December 1997	March 1999	D
MAFF	Soil Survey and Land Research Centre	Role of soil and crop management practices in determining the variability of OP residues in carrots	May 1997	April 1998	E
MAFF	Central Science Laboratory	Analysis of individual carrot roots for pesticide residues	October 1997	March 1998	E
ILGRA	AEA Technology	Risk communication benchmark study (includes OP case study)	January 1997	March 1998	D
HSE	Institute of Occupational Health	Investigation of chronic neurophysiological and neuropsychological effects of exposure to OP sheep dips	—	1995	C

Funding body	Research body	Title	Start date	End date	Price band
HSE	Health and Safety Laboratories	Neuropsychological study of orchard workers exposed to OP pesticides	September 1996	September 1998	C
HSE	Internal	Feasibility of using the National Proficiency Tests Council's database of holders of Certificates of Competence for Agricultural Pesticides for related epidemiology	—	June 1998	0
HSE	Health and Safety Laboratories	Non-cholinergic effects of OP exposure	October 1995	August 1997	C
HSE	Health and Safety Laboratories	Chlorphyrifos volunteer study	July 1995	December 1996	D
HSE	Health and Safety Laboratories	Handling of sheep dip concentrates	July 1997	November 1998	E
HSE	Health and Safety Laboratories	Changes over time in the level of inhibition of red blood cell acetylcholinesterase activity after OP exposure	October 1996	July 1997	E
HSE	Health and Safety Laboratories	Immunochemical method for monitoring the specific activity of plasma cholinesterase	June 1997	December 1997	E
HSE	Health and Safety Laboratories	An in-vitro investigation of the relative inhibitory effects of OPs and carbamates towards pseudocholinesterase in human blood	August 1997	February 1998	E
DETR	Water Research Centre	Proposed Environmental Quality Standards for azinphos-methyl in water	1987	January 1991	[1]—
DETR	Water Research Centre	Proposed Environmental Quality Standards for fenitrothion in water	1987	January 1991	[1]—
DETR	Water Research Centre	Proposed Environmental Quality Standards for dichlorvos in water	1987	February 1991	[1]—
DETR	Water Research Centre	Proposed Environmental Quality Standards for malathion in water	1987	February 1991	[1]—
DETR	Water Research Centre	Proposed Environmental Quality Standards for dimethoate and omethoate in water	1991	February 1994	[1]—
DETR	Water Research Centre	Proposed Environmental Quality Standards for triazophos in water	1991	December 1994	[1]—
DETR	Water Research Centre	Proposed Environmental Quality Standards for demetons in water	1991	September 1995	[1]—
MOD/DERA	University of Birmingham	The effects of anticholinesterases on the cellular mechanisms controlling the levels of acetylcholinesterase	May 1997	May 1999	C
MOD/DERA	University of Birmingham	Neuropathology of anticholinesterases	October 1997	September 1998	E

[1] Proposed EQSs prepared as part of a larger project, price band B.

Mrs. Gorman: To ask the Minister of Agriculture, Fisheries and Food how many reports his Department has received of adverse effects from using organophosphate pesticides in each of the last three years. [41382]

Mr. Rooker: In the three years to March 1998, the Pesticides Safety Directorate has considered three cases of alleged adverse effects relating to use of organophosphate pesticides. In the case of Phorate, data indicating that residues in carrots could erode safety margins led to the suspension of approval for use of Phorate products on carrots and parsnips. Of the other two cases, one related to a small increase in the amount of impurity present in a product after storage, and the other to alleged crop damage. Neither of these resulted in regulatory action.

In addition, in the three years to March 1997, a total of 36 incidents of alleged ill-health (involving 78 people) have been assessed by the Pesticides Incidents Appraisal Panel of the Health and Safety Executive where at least one of the active ingredients used was classed as an organophosphate. For 16 of these (involving 46 people), the ill health was assessed as confirmed or likely to be linked to pesticide exposure. The panel assesses cases that have been brought to its attention following investigation by the Health and Safety Executive or a Local Authority.

Animal Experiments

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food what controls his Department exercises to regulate the export of animals for intended use in experiments. [42077]

Mr. Rooker *[holding answer 14 May 1998]:* Anyone exporting animals, including those exported for experimentation purposes, must comply with all statutory animal health and welfare rules applicable to the species and, in the case of exports to third countries, the animal health requirements of the importing country. We are shortly to begin discussions with the Home Office about possible criteria for further controls enabling us to take into account the treatment of the animals in the country of destination before we issue official non-statutory health certification.

Animal Smuggling

Mr. Dalyell: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his letter, 113574, of 23 April, what information has been obtained about anti-smuggling devices that can detect the heart-beat of an animal concealed inside a vehicle. [41120]

Mr. Rooker: The use of a device to detect the heartbeat of a person or animal that is concealed in a vehicle is being investigated by the Home Office in conjunction with the Prison and Immigration Services. I will write again to my hon. Friend when my Department has further information.

Consumer Information

Dr. Marek: To ask the Minister of Agriculture, Fisheries and Food what plans he has for ensuring that information is available to the consumer about the origin of food at the point of sale. [42160]

Mr. Rooker: Generally, the place of origin of any food must be given if omitting it could mislead the purchaser about the true place of origin of that food. The Department has issued guidance on these rules which makes clear that, where such indications are used to describe processed foods, this must not mislead the consumer about the origin of the individual ingredients of the product.

More specifically, EC rules require certain fresh fruits and vegetables to be marked with the country of origin at all points of sale. In October last year, we launched the Beef Labelling Scheme, which provides for the accurate labelling of beef. With effect from 1 July, any beef labelled with country of origin information must have been derived from animals born, reared and slaughtered in that country. It is envisaged that national origin labelling of beef will become compulsory by the year 2000.

Central Science Laboratory

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food if he will list for the Central Science Laboratory staff at *(a)* Torry, *(b)* Slough, *(c)* Harpenden and *(d)* Worplesdon, the total number of (i) mobile and (ii) non-mobile staff, (1) made compulsory redundant, (2) redeployed to MAFF or MAFF agencies, (3) who were found employment elsewhere and (4) who took early retirement. [41668]

Mr. Rooker *[holding answer 12 May 1998]:* The information requested concerning those Central Science Laboratory (CSL) staff not transferring to York from the Torry, Slough, Harpenden and Worplesdon sites is as follows:

Staff	*Torry*	*Slough*	*Harpenden*	*Worplesdon*
Redundant				
Mobile	0	0	0	0
Non-mobile	24	34	30	9
Redeployed in MAFF				
Mobile	0	3	2	2
Non-mobile	1	8	1	2
Resignations				
Mobile	[1]16	3	8	0
Non-mobile	[1]14	4	3	1
Age/early retirement				
Mobile	10	23	8	7
Non-mobile	3	20	4	1

[1] These staff transferred to the Rowett Research Institute, Aberdeen University and the Scottish Office Marine Laboratory.

Part-time staff in mobile grades are not subject to mobility requirements and are therefore treated as non-mobiles.

Without reference to individual personnel files, which would incur disproportionate cost, it is not possible to distinguish those staff who resigned to take up employment elsewhere from those who resigned in the normal course of events.

The age profile of the staff complement at Slough, Harpenden and Worplesdon reflects a major expansion in the early 1950s. A significant number of staff were

approaching retirement age at the time that the various sites were due to close and this is reflected in the number of age and early retirements.

Whilst the information provided is accurate, a certain amount of caution must be exercised in the interpretation as each individual member of staff's case is different and was dealt with by CSL on a confidential basis.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 30 April 1998, *Official Report*, column *248*, how many *(a)* scientific staff, *(b)* non-scientific staff, *(c)* mobile grade staff and *(d)* non-mobile grade staff employed by the Central Science Laboratory at York in January 1998 were employed in January 1995 by (i) CSL Slough, (ii) CSL Harpenden, (iii) CSL Worplesdon, (iv) CSL Torry, (v) CSL Norwich, (vi) CSL elsewhere and (vii) not the CSL. [41664]

Mr. Rooker *[holding answer 12 May 1998]:* The information requested concerning those Central Science Laboratory staff employed in January 1998 at York that were based at various CSL sites or not employed by CSL in January 1995, is as follows:

CSL sites	*Scientists*	*Non scientists*	*Mobiles*	*Non mobiles*
CSL Slough	71	27	90	8
CSL Harpenden	60	6	63	3
CSL Worplesdon	17	0	16	1
CSL Torry	7	3	8	2
CSL Norwich	5	1	4	2
CSL elsewhere	22	1	20	3
Not previously employed by CSL	128	86	87	127

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food how many staff were employed by the Central Science Laboratory at Torry in January 1995; and how many of those individuals were still employed by the CSL at York in January 1998 broken down *(a)* into (i) scientists and (ii) non-scientists and *(b)* into (1) mobile and (2) non-mobile grades. [41669]

Mr. Rooker *[holding answer 12 May 1998]:* The information requested on the Central Science Laboratory staff previously employed at Torry and those who continue to be employed at CSL York is as follows:

	January 1995	*January 1998*
Total staff	108	10
of which:		
Scientists	67	7
Non-scientists	41	3
Mobiles	45	8
Non-mobiles	63	2

On closure of the Torry laboratory, funding for work of particular relevance to Scotland was transferred to the Scottish Office and work programmes and associated staff were transferred to the Rowett Research Institute, Aberdeen University and the Scottish Office Marine Laboratory.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food if his Department will make available to the University of East Anglia the necessary financial information about the operation of the Norwich Laboratory of the Central Science Laboratory to enable it to prepare properly costed proposals for a management buy-out of the laboratory. [42081]

Mr. Rooker *[holding answer 14 May 1998]:* No.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food if he will list the job titles of the 30 non fee-earning scientists employed by the Central Science Laboratory at York and Norwich, indicating which two are based at Norwich. [42082]

Mr. Rooker *[holding answer 14 May 1998]:* Job titles for the various non-fee earning scientists based at the Central Science Laboratory at York and Norwich are as follows:

Chief Executive

Research Director (Agriculture and Environment)

Research Director (Food)

Commercial Director

Head of Conservation Environment Protection Group

Head of Infestation Risk Evaluation Group

Head of Pest Management Strategies Group

Head of Plant Health Group

Head of Pesticides Group

Head of Microbiology Group

Head of Information Services Group

Training Officer

Health and Safety Officer

Systems Administration

Data Logging

Business Development Team (6 posts)

Information Centre (2 posts)

Group Scientific Support (4 posts)

Quality Assurance Unit (3 posts).

The Research Director (Food) and one member of the Business Development Team are based at Norwich.

In addition, of those non fee-earning scientists based at York, 11 have responsibilities for the provision of support or management at the Norwich laboratory.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food (1) what conclusions his Department has reached following the recommendations in its memorandum of February 1997 about the possible scope for placing other additional work at Sand Hutton, York; [42079]

(2) what steps his Department has taken to implement the recommendation in its memorandum of February 1997 that additional MAFF-funded work which could be moved to Sand Hutton, York, should be identified; and if he will list such work which could be moved. [42078]

Mr. Rooker *[holding answer 14 May 1998]:* A number of options for placing additional work at the Central Science Laboratory's York site have been considered, including work currently done elsewhere in MAFF. No other MAFF work, with the exception of the work currently carried out at CSL's Norwich site, has been identified which could be transferred to York economically and without creating problems for other parts of the Department. As regards non-MAFF work, a Commercial Director has been appointed to the CSL Board to develop and establish new business.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 5 May 1998, *Official Report*, column *301*, if he will set out the steps which his Department or the Central Science Laboratory would take to resettle Norwich-based non-mobile staff by *(a)* relocation and *(b)* securing employment elsewhere in the event that a decision is made to close the Norwich laboratory. [42109]

Mr. Rooker *[holding answer 14 May 1998]:* In the event of a decision to close the Norwich laboratory, non-mobile staff would normally be given the opportunity to relocate to York. Every effort would be made to assist those non-mobile staff unable to relocate to identify and secure suitable employment elsewhere in the public sector, for example in other Government departments and local authorities, or in the private sector.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what assessment his Department has made of whether there would be unoccupied laboratory and office space if the Norwich Laboratory of the Central Science Laboratory was relocated to York. [42080]

Mr. Rooker *[holding answer 14 May 1998]:* I refer my hon. Friend to the answer given to him on 3 March 1998, *Official Report*, column *596*.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 30 April 1998, *Official Report*, column *247*, on what date his Department decided not to proceed with the tendering exercise to identify consultants to advise on how best to achieve a secure financial future for the Central Science Laboratory; and by whom the decision was made. [42110]

Mr. Rooker *[holding answer 14 May 1998]:* The Prior Options review of the Central Science Laboratory (CSL) concluded that there was no obvious solution to securing a sound financial future for the Agency. The key was to introduce additional revenue. A number of actions were put in hand, including a tendering exercise to identify consultants to advise on the issue and the creation of a new post at Board level to develop new business. When officials reviewed progress in May 1997, they concluded that, since the principal requirement was to increase the utilisation of the Sand Hutton site, the most appropriate course was to proceed with the appointment of a Commercial Director but not with the appointment of external consultants.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 5 May 1998, *Official Report*, column *301*, for what reasons 16 of the non-mobile staff at the Norwich laboratory of the CSL are not entitled to redundancy payments in the event that the Norwich laboratory is closed. [42371]

Mr. Rooker: The staff in question are not entitled to redundancy payments as they are employed by the Central Science Laboratory on Fixed Term contracts, and it is envisaged that they would complete these contracts in the event that the Norwich site were to be closed.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 30 April 1998, *Official Report*, column *247*, what the financial implications are for his Department of the High Table versus Horst case, in the event that mobile staff of the Central Science Laboratory in Norwich refused to relocate to York. [42373]

Mr. Rooker: Further to my reply given on 30 April 1998, *Official Report*, column *247*, I can confirm that the High Table versus Horst case holds no financial implications for the Department or the Central Science Laboratory.

Agenda 2000

Mr. Clifton-Brown: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of the number of United Kingdom farms which will be ineligible for CAP support under the Agenda 2000 proposals; and if he will estimate the equivalent number in each other EU member state. [41358]

Mr. Rooker: Any farmer who, at the time of application, fulfils the eligibility criteria for support set down in the regulations proposed by the Commission, or in any future detailed rules necessary for the implementation of those regulations, would be entitled to the appropriate CAP support payment.

EDUCATION AND EMPLOYMENT

Disabled People (Access)

Mr. Shaw: To ask the Secretary of State for Education and Employment what plans he has to improve access for people with disabilities at further and higher education establishments. [41093]

Dr. Howells *[holding answer 7 May 1998]:* Under the new higher education funding measures for 1998/99, Disabled Students' Allowances will no longer be means tested for disabled full time students. Access funds in both further and higher education have increased significantly. In further education, the funding mechanism provides for additional support for disabled students according to need.

Employment Service (Portsmouth)

Mr. Hancock: To ask the Secretary of State for Education and Employment how much money he has allocated to staffing in the Portsmouth District Employment Service to cover the implementation and future costs of *(a)* the New Deal and *(b)* the jobseeker's allowance. [41934]

Mr. Alan Howarth: Responsibility for the subject of the question has been delegated to the Employment Service agency under its Chief Executive. I have asked him to arrange for a reply to be given.

Letter from Leigh Lewis to Mr. Mike Hancock, dated 18 May 1998:

As the Employment Service is an Executive Agency, the Secretary of State for Education and Employment has asked me to reply direct to your question concerning how much money has been allocated to staffing in the Portsmouth District of the Employment Service to cover the implementation and future costs of (a) the New Deal and (b) the Jobseeker's Allowance. This is something which falls within the responsibilities delegated to me as Chief Executive of the Agency.

Funding for the New Deal essentially follows the client with entitlement to funding for staffing, staff expenses and programme costs being based on the actual numbers entering the different stages of the programme. However, assumptions have been made as to the likely uptake of New Deal places and the resulting entitlement to funds. The Portsmouth District is covered by two delivery units for New Deal. For the Isle of Wight unit an allocation of £123,200 has been identified for 1998/9 and for the remainder, known as Portsmouth/South East Hampshire, an allocation of £315,700 has been identified for the year. These figures include small amounts for expenditure, outside of salary costs, to cover directly related expenses, such as staff travel costs.

For its other activities, the Portsmouth District of the Employment Service has been allocated £3.27m for 1998/9 salary costs, based on an allocation of 203.1 staff units. This has been calculated by a formula which relates staffing to expected business volumes. Within this total, 129.3 staff units relate to the Jobseeker's Allowance.

I hope this is helpful.

Mr. Hancock: To ask the Secretary of State for Education and Employment if he will assess the risk to employees' health from occupational stress within the Portsmouth District Employment Service. [41935]

Mr. Alan Howarth: Responsibility for the subject of the question has been delegated to the Employment Service agency under its Chief Executive. I have asked him to arrange for a reply to be given.

Letter from Leigh Lewis to Mr. Mike Hancock, dated 18 May 1998:

As the Employment Service is an Executive Agency, the Secretary of State for Education and Employment has asked me to reply direct to your question which asks whether we will assess the risk to employees' health from occupational stress within the Portsmouth District of the Employment Service. This is something which falls within the responsibilities delegated to me as Chief Executive of the Agency.

It may be helpful if I explain that we have developed our own guidance to staff and managers on dealing with stress which is set out in a document entitled 'The ES and You; A Guide for Managers'. This is based on the Health and Safety Executive's own good practice recommendations, and is being followed in Portsmouth and other Employment Service Districts. In summary, we have followed the HSE's recommendations that:

Managers have guidance which enables them to understand the issues and manage them appropriately. We also have a clear policy stating that the Employment Service will not tolerate harassment or bullying in any form, and systems for dealing with it including a 'Hotline' telephone service.

Individuals have clear roles, responsibilities and objectives;

Sickness absence is monitored regularly and staff attitudes are periodically surveyed—our most recent Staff Attitude Survey in fact shows a reduction in the number of staff saying they feel under uncomfortable pressure at work;

We have access to professional Occupational Health Service (OHSA Ltd) to advise on individual cases;

All staff have individual access to an Employee Assistance Service. Where appropriate managers can suggest, but not insist, that staff seek help through this service.

Should it become apparent that particular members of staff are suffering from stress, there are a range of measures available to deal with such problems. These include reviewing objectives, changing duties and providing additional training or support. As well as general monitoring of staff absence by managers as a routine part of their job, and action taken in individual cases to ease an individual's return to work, the Portsmouth District has recently worked with the Employment Service's Regional Psychologist to identify the causes of stress at Cosham Jobcentre.

I hope this is helpful.

New Deal (Young Unemployed)

Mr. Keetch: To ask the Secretary of State for Education and Employment if he will list the planned cost of *(a)* the subsidised employment option, *(b)* the full-time education and training option, *(c)* the voluntary sector option and *(d)* the environmental task force option of the New Deal for the Young Unemployed per placement for the duration of each option; and if he will make a statement. [41392]

Mr. Andrew Smith *[holding answer 13 May 1998]:* Within the New Deal for 18–24 year olds, our planning assumptions are that the average cost of Employment Option places will be just over £2,000; and the average cost of a place in each of the other 3 options, including New Deal allowances, will be about £4,000.

Disability Discrimination Act

Mr. John M. Taylor: To ask the Secretary of State for Education and Employment when he intends to implement part III of the Disability Discrimination Act 1995; and if he will make a statement. [41953]

Mr. Alan Howarth: We shall move to implement the remaining rights in Part III of the Disability Discrimination Act as soon as practicable. An announcement detailing our timetable for implementation will be made in due course.

Special Education

Mr. Paice: To ask the Secretary of State for Education and Employment if he will rank all local education authorities in terms of the percentage of their potential schools budget under section 122 statements spent on special education provision including special units. [42041]

Mr. Byers *[holding answer 18 May 1998]:* The following table gives the amounts of SEN funding held centrally by LEAs shown as a ranking for England for 1997–98. The figures are derived from the budget statements produced by the local authorities and as such represent the estimated spend for the financial year in question. Many LEAs delegate some or most of their funding for SEN to schools. The table provides only a partial picture of total funding on SEN, and LEAs' spending centrally will be affected by their decisions on

what is delegated. Information on spending on SEN by schools from their delegated budgets is not collected centrally.

Extract from section 122 budget statements (England) 1997–98

LEA name	PSB (000s) (a)	All SEN (non-delegated) funding (000s) (b)	Column (b) as percentage of column (a) (c)
Cambridgeshire	158,375.0	10,986.0	6.94
Cornwall	140,232.0	9,105.0	6.49
Bolton	83,402.5	5,316.0	6.37
Calderdale	42,622.1	2,563.1	6.01
Bromley	43,700.0	2,573.0	5.89
Barnsley	63,111.0	3,596.0	5.70
Barnet	76,932.6	4,314.3	5.61
Bradford	150,074.0	8,224.0	5.48
Derby City	53,312.0	2,728.0	5.12
Lancashire	426,027.0	20,966.0	4.92
Lincolnshire	135,364.0	6,652.0	4.91
Somerset	134,228.0	6,510.0	4.85
Derbyshire	175,795.0	8,502.0	4.84
Doncaster	103,673.0	4,950.0	4.77
Ealing	73,666.8	3,512.5	4.77
Merton	49,621.7	2,355.6	4.75
Kent	346,365.9	16,262.9	4.70
Barking/Dagenham	63,669.0	2,951.0	4.63
Leicester City	99,464.0	4,532.0	4.56
Lambeth	55,392.0	2,523.0	4.55
Camden	57,899.0	2,575.0	4.45
Isle of Wight	38,910.6	1,711.2	4.40
Newham	96,673	4,222.0	4.37
Harrow	64,869.0	2,785.0	4.29
Durham	156,152.0	6,701.0	4.29
Gateshead	63,662.0	2,709.0	4.26
Wakefield	96,809.0	4,088.0	4.22
Stockport	80,608.7	3,379.2	4.19
Swindon	42,057.0	1,748.0	4.16
Wandsworth	51,327.0	2,127.0	4.14
Hereford/Worcester	186,570.0	7,700.0	4.13
Brighton and Hove	61,444.0	2,535.0	4.13
Richmond	43,863.5	1,808.7	4.12
Darlington	28,928.0	1,172.0	4.05
Haringey	79,022.0	3,196.0	4.04
Essex	283,166.0	11,379.0	4.02
Warwickshire	132,274.5	5,144.9	3.89
Gloucestershire	96,216.0	3,712.0	3.86
Wiltshire	83,113.0	3,150.0	3.79
Tower Hamlets	91,487.7	3,451.6	3.77
South Gloucestershire	79,015.0	2,893.0	3.66
Enfield	86,417.0	3,157.0	3.65
Kirklees	118,668.3	4,305.7	3.63
Sheffield	135,507.0	4,866.0	3.59
Leicestershire	178,708.0	6,311.0	3.53
Hertfordshire	277,511.0	9,788.0	3.53
Devon	282,327.0	9,928.0	3.52
Bournemouth	29,625.3	1,035.0	3.49
Trafford	53,313.0	1,855.0	3.48
North Somerset	56,706.0	1,959.0	3.45
Poole	25,269.0	856.9	3.39
Redcar and Cleveland	50,415.0	1,693.0	3.36
Croydon	77,674.0	2,593.0	3.34
South Tyneside	48,820.0	1,606.0	3.29
Havering	67,518.2	2,205.4	3.27
Northumberland	96,268.0	3,134.0	3.26
North Tyneside	59,721.0	1,930.0	3.23
St. Helens	60,050.0	1,921.7	3.20
York	47,914.0	1,530.0	3.19
Surrey	221,698.0	7,018.0	3.17
Kingston	30,867.0	969.0	3.14
Bath and NE Somerset	49,667.0	1,537.0	3.09
North Yorkshire	173,467.0	5,340.0	3.08
Salford	71,892.0	2,210.0	3.07
Milton Keynes	52,296.0	1,595.0	3.05
Nottinghamshire	307,514.0	9,286.0	3.02

Extract from section 122 budget statements (England) 1997–98

LEA name	PSB (000s) (a)	All SEN (non-delegated) funding (000s) (b)	Column (b) as percentage of column (a) (c)
Middlesbrough	49,824.0	1,469.0	2.95
West Sussex	212,697.0	6,243.0	2.94
Westminster	47,285.7	1,386.4	2.93
Sefton	97,588.9	2,781.7	2.85
Norfolk	192,569.0	5,432.0	2.82
Walsall	78,957.9	2,191.0	2.77
Rutland	4,583.0	127.0	2.77
Cheshire	314,695.0	8,607.0	2.74
Oxfordshire	160,389.0	4,356.0	2.72
North Lincolnshire	50,739.0	1,369.0	2.70
Tameside	62,913.0	1,673.0	2.66
Dorset	93,090.0	2,462.7	2.65
Kensington and Chelsea	27,425.0	720.0	2.63
Rotherham	86,756.4	2,223.4	2.56
Cumbria	115,518.0	2,950.0	2.55
Hartlepool	30,213.0	764.0	2.53
Bexley	64,088.0	1,612.0	2.52
Sandwell	101,336.0	2,532.0	2.50
Hull	83,879.0	2,071.0	2.47
Solihull	68,856.1	1,699.4	2.47
Wirral	100,853.0	2,484.0	2.46
Newcastle	84,057.6	2,067.3	2.46
Southwark	70,462.0	1,726.0	2.45
East Riding	98,964.0	2,416.0	2.44
Rochdale	59,103.0	1,439.0	2.43
Birmingham	356,109.0	8,611.0	2.42
Coventry	108,300.0	2,618.0	2.42
Stoke-on-Trent	71,002.0	1,707.0	2.40
Sunderland	96,686.0	2,266.0	2.34
East Sussex	133,969.0	3,009.0	2.25
North East Lincolnshire	56,236.0	1,245.0	2.21
Staffordshire	230,216.1	4,981.5	2.16
Stockton on Tees	63,182.0	1,338.0	2.12
Oldham	84,206.0	1,758.0	2.09
Liverpool	150,988.6	2,919.7	1.93
Buckinghamshire	126,080.0	2,429.0	1.93
Suffolk	200,483.4	3,814.7	1.90
Hackney	67,214.5	1,264.1	1.88
Bristol	112,419.8	2,070.7	1.84
Wolverhampton	77,955.4	1,384.1	1.78
Shropshire	113,449.0	1,999.0	1.76
Luton	51,034.0	881.0	1.73
Islington	60,655.4	1,041.5	1.72
Hounslow	76,140.0	1,104.0	1.45
Hammersmith and Fulham	40,177.7	569.0	1.42
Sutton	39,845.2	456.9	1.15
Northamptonshire	165,140.3	1,834.2	1.11
Wigan	103,673.0	1,139.0	1.10
Dudley	82,937.0	875.0	1.06
Berkshire	200,668.0	2,002.0	1.00
Hampshire	320,474.0	3,166.0	0.99
Portsmouth	49,949.0	467.0	0.93
Leeds	226,303.5	1,959.5	0.87
Knowsley	58,105.0	477.3	0.82
Manchester	145,167.0	1,187.0	0.82
Bedfordshire	107,198.0	829.0	0.77
Bury	52,799.0	399.0	0.76
Southampton	61,501.4	393.1	0.64
Hillingdon	44,863.0	276.0	0.62
Lewisham	84,416.6	490.4	0.58
Brent	49,652.0	189.0	0.38
Greenwich	87,744.1	225.9	0.26
Redbridge	80,900.0	136.0	0.17
Corporation of London	724.0	0.0	0.00
Waltham Forest	72,296.0	0.0	0.00
Isles of Scilly	883.0	0.0	0.00

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment what assessment he has made of the impact of segregated special education on community care policies. [41923]

Ms Estelle Morris: We do not have information which implies a link between type of educational provision and subsequent need for community care. We are considering how best to collect information about the experiences, once they have left school, of young people with special educational needs, with the aim of helping schools and colleges prepare young people for adult life more effectively.

Further Education Colleges

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment what assessment he has made of the impact there would be on national collaborative partnerships between colleges and training providers of allowing further education colleges to provide only for local communities. [41924]

Dr. Howells: No such assessment has been made.

Derby University

Mr. Levitt: To ask the Secretary of State for Education and Employment on what date he proposes to make an announcement on the proposed merger of Derby University and High Peak College. [42289]

Dr. Howells: We expect to make an announcement shortly.

Teacher Vacancies

Mr. Don Foster: To ask the Secretary of State for Education and Employment on what date he intends to publish the next teacher vacancy figures. [42312]

Ms Estelle Morris: We expect to publish the figures on Friday 22 May.

SOCIAL SECURITY

Lone Parents

Mr. Webb: To ask the Secretary of State for Social Security what is the current ratio of New Deal for lone parents advisers to lone parents participating in the scheme; and what ratio is envisaged when the pilot becomes a nationwide scheme. [40214]

Mr. Keith Bradley: Up to 31 March 1998, a total of 4,637 lone parents had agreed to participate in the New Deal for Lone Parents in the eight prototype areas; and during this period 72 advisers were available to work with them. The ratio of advisers to lone parents in the nationwide programme will of course depend on the rate at which lone parents participate in the service. However, the Government are drawing up resourcing plans for the New Deal for Lone Parents using assumptions based on the participation rate to date. Therefore, the ratio of advisers to lone parents in the nationwide service will be at least as good as it has been up until April 1998.

Mr. Webb: To ask the Secretary of State for Social Security what percentage of all lone parents who have received an initial letter under the New Deal for lone parents' pilots have moved from income support into paid employment; if she will provide similar figures for *(a)* lone parents with mortgages, *(b)* lone parents in rented accommodation and *(c)* lone parents who are non-householders; and if she will make a statement on the role of housing tenure in determining the likelihood of moving off welfare and into work. [40213]

Mr. Keith Bradley: The information can be obtained only at disproportionate cost.

The management data which are routinely collected on the New Deal for Lone Parents do not identify the housing status of lone parents.

A wide range of factors affect the likelihood of any individual lone parent moving off Income Support and into work. The Personal Adviser approach is designed to offer tailored help and advice which will take account of each individual's particular circumstances, including housing status where relevant.

Up until 31 March 1998, 1,530 lone parents had obtained work following participation in the New Deal for Lone Parents, of whom 1,114 left Income Support. A further 201 had been able to increase their hours of work, of whom 169 left Income Support.

Mr. Brady: To ask the Secretary of State for Social Security what percentage of lone parents would have to find work under the New Deal for Lone Parents for the scheme to be cost neutral. [40822]

Mr. Keith Bradley: The percentage of lone parents finding work is only one of a number of factors which affect the potential savings arising from the New Deal for Lone Parents, including the earnings of lone parents going back to work, how long lone parents remain in work, and substitution and displacement effects.

A full evaluation on the short and longer term effects of the New Deal for Lone Parents will be published in Autumn 1999; this will take account of a number of factors including observed earnings and duration of work.

Child Benefit

Ms Hewitt: To ask the Secretary of State for Social Security (1) under what circumstances child benefit is payable to a father in respect of a child for whom he has a residence order; [41143]

(2) in how many cases child benefit was paid to both parents in respect of children subject to a shared residence order in 1997–98; [41146]

(3) what provision is made to ensure that child benefit is payable to both parents in cases where a child is the subject of a shared residence order under the Children Act 1989. [41145]

Mr. Keith Bradley: The information requested is not available.

Entitlement to Child Benefit depends on a person having responsibility for a child because the child lives with them or they contribute to the cost of providing for the child. In cases where the child lives alternatively with each parent, both parents could qualify but only one of them can be entitled for the same child in the same week.

Where competing claims are received in respect of the same child, legislation provides for priority of entitlement. Where the care of a child is shared equally between two parents who are not residing together they may jointly elect which of them shall receive the benefit. In the absence of an election the Secretary of State may decide which of them shall be entitled, taking a number of factors into account.

The existence of a residence order is not a requirement for entitlement to Child Benefit. It is an important factor in reaching a Secretary of State decision about entitlement, but others such as the actual time the child spends living with either parent, and the extent of expenditure incurred by each parent are also considered.

Ms Hewitt: To ask the Secretary of State for Social Security under what circumstances child benefit is payable to an adult other than the mother of the child for whom the benefit is paid. [41151]

Mr. Keith Bradley: There are a variety of circumstances, usually involving the mother's absence, where Child Benefit might be paid to an adult other than the mother of the child. This could be for a temporary period, or permanently.

If the parents of a child separate, benefit will normally be paid to the parent with whom the child lives. If both of them share the care of the child equally they may jointly elect which of them is to receive the Child Benefit. In default of such an election the Secretary of State may, in her discretion, decide which of them shall be entitled.

Ms Hewitt: To ask the Secretary of State for Social Security in how many cases in 1997–98 child benefit was paid to the father. [41144]

Mr. Keith Bradley: The information is not available in the format requested as it is responsibility for a child rather than parenthood which give entitlement to Child Benefit.

The number of Child Benefit awards to male claimants were an estimated 273,000 as at April 1998. This represents just under 4 per cent. of the total number of awards in payment at that time.

Unclaimed Benefits

Sir Raymond Powell: To ask the Secretary of State for Social Security what action her Department is taking to increase the take up of unclaimed social security benefits. [41592]

Mr. Denham: We would encourage everyone who thinks they may be entitled to benefit to make a claim, wherever they live in Britain. However, we know there are particular barriers which stop pensioners taking up their Income Support and that is why we are focusing on this group.

We are committed to examining to the ways of delivering more automatic help to the poorest pensioners, and have already started to honour this commitment.

As a first step, we have started research to establish the reasons why pensioners do not claim their Income Support entitlement, and the most effective ways of getting help to them. Since April, we have been running nine local pilot projects costing £15 million to test the best way of getting help to the estimated 1 million pensioners who are currently entitled to Income Support but do not claim it.

Disability Benefits Forum

Ms Perham: To ask the Secretary of State for Social Security what plans she has to establish a body to work alongside Government in accordance with the principles of consultation with disabled people outlined in the green paper, "A New Contract for Welfare"; if a significant part of that body will be drawn from among disabled people; and what timescale she proposes. [41357]

Mr. Denham: We are currently in the process of setting up a Disability Benefits Forum to discuss the reform of benefits for people who are long-term sick or who are disabled. The majority of members of the Forum will be representatives of organisations of or for disabled people. We will announce further details as soon as possible.

Benefit Savings

Mr. Roy: To ask the Secretary of State for Social Security if she will publish for each Great Britain local authority, a breakdown, for each of the last five years, of weekly benefit savings for *(a)* thresholds, *(b)* claimed savings, *(c)* amount of additional subsidy claimed and *(d)* amount of subsidy penalty applied. [41652]

Mr. Field: The information has been placed in the Library.

Economic and Monetary Union

Mr. Flight: To ask the Secretary of State for Social Security what analysis her Department has made of the long-term effect of Economic and Monetary Union on the integration of the social security schemes of participants. [41955]

Mr. Field: No such analysis has been conducted. Member States will continue to be responsible for the financing and design of national social security schemes.

Winter Fuel Payments

Mr. Gibb: To ask the Secretary of State for Social Security (1) what estimate she has made of the overall cost of the winter fuel payment scheme in 1998; [41856]

(2) what estimate she has made of the overall cost of winter fuel payments made in error but not repaid to date. [41852]

Mr. Denham: Winter Fuel payments are one of a number of initiatives the Government have taken to help vulnerable people, especially the elderly, keep warm in the winter. A total of £400 million has been committed for two years (1997/98 and 1998/99), to help pensioners with fuel bills to pay. This is the first time any Government have provided automatic help to over 7 million pensioner households with fuel bills to pay, living in the United Kingdom, who receive a Retirement Pension or one of a number of other qualifying benefits.

The making of this year's payments has been an enormous and unprecedented exercise. In order to establish all eligible pensioners, correctly identify pensioner households, and determine the amount each should receive, it was necessary to correlate data in around 15 million computer records, involving 15 qualifying benefits, across nine computer systems. Overall, almost ten million pensioners, in over seven million households, have received a payment.

The administration of winter fuel payments is a matter for Peter Mathison, Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Mr. Nick Gibb, dated 14 May 1998:

The Secretary of State has asked me to reply to your recent parliamentary questions about the winter fuel payments scheme.

The making of Winter Fuel Payments to almost ten million eligible pensioners, in over seven million households, before the end of March 1998, has been a challenging task for the Benefits Agency (BA). This was achieved whilst maintaining normal benefit business.

Around one and a half million of the poorest pensioners, those receiving Income Support or income-based Jobseeker's Allowance, received their payment of £50 during January. Almost eight and a half million other eligible pensioners, for example those in receipt of state Retirement Pension, were issued with a payment of £20 or £10. The issue of these payments was completed by 24 March 1998.

Around £200 million was paid to help pensioners with their fuel bills last winter. The total administrative cost is expected to be around £20 million.

We are aware of 649 eligible pensioners who received two £50 payments. This includes 211 who erroneously received two payments due to being in receipt of both Income Support and income-based Jobseeker's Allowance for at least one day in the qualifying week. In accordance with legislation, only one payment should have been made. Also, due to a computer operator error, 40,801 invalid girocheques were sent out with an incorrect date of issue. The error was quickly identified and all the invalid payments were replaced within 72 hours. The letter which accompanied the replacement payment apologised for the error and advised the recipient to destroy the invalid girocheque or if they had encashed it, to return the replacement to the nearest Benefits Agency office. It appears that in 438 instances both the invalid and replacement girocheque were cashed.

In addition we are aware that 9,357 £50 payments have been made to customers who were not entitled to them. This means that 10,006 incorrect payments, valued at £500,300, were made in error. This represents 0.7% of the total number of £50 payments made. No information is presently available on the other eligible pensioners who received either a £10 or £20 payment.

Action is being taken in each individual case to consider whether recovery action is appropriate. We will write to individuals who were overpaid informing them of the position and inviting repayment. Until this exercise is complete, we will not know how much has been repaid.

I hope that this clarifies the position.

War Pensions

Mr. Steen: To ask the Secretary of State for Social Security when she plans to undertake the reassessment of Mr. Trevor J. Collier's war pension disability assessment, made in 1959, of 20 per cent., which he requested in 1996. [42465]

Mr. Denham: The review of Mr. Collier's War Pension assessment, requested by him in March 1996, was concluded on 18 September 1996. For reasons of confidentiality the Acting Chief Executive of the War Pensions Agency, Steve Johnson, will write to the hon. Member separately.

Actors

Mr. Hoyle: To ask the Secretary of State for Social Security how many actors received non-means-tested jobseeker's allowance in 1997–98; and how much was paid to actors in terms of non-means-tested jobseeker's allowance in 1997–98. [42577]

Mr. Keith Bradley: The information requested is not available.

Mr. Hoyle: To ask the Secretary of State for Social Security if she will calculate the net difference in the amount that actors as a group pay in class 1 national insurance contributions and the amount that they claim and receive in terms of non-means tested benefits. [42576]

Mr. Denham: The information requested is not available.

Correspondence

Mr. Winnick: To ask the Secretary of State for Social Security when the hon. Member for Walsall, North will receive a reply to his letter of 30 March regarding a constituent, Ref. 5/3644/30. [42264]

Mr. Denham: A reply was sent to my hon. Friend on Monday 18 May 1998.

DUCHY OF LANCASTER

Official Cars

Mr. Forth: To ask the Chancellor of the Duchy of Lancaster (1) if he will list the type or specification of vehicles allocated to *(a)* Secretaries of State, *(b)* Ministers of State and *(c)* Under-Secretaries of State for their official duties; and if he will list any exceptions; [27112]

(2) pursuant to his answer to the hon. Member for Carshalton and Wallington (Mr. Brake), 16 February 1998, *Official Report*, column *486*, if he will list the Ministers who have the use of an official car in a category other than that to which they would normally be entitled. [31663]

Mr. Kilfoyle: For the models of cars from which Ministers can choose and those which are currently used by Ministers, I refer the right hon. Member to my answer to the hon. Member for Carshalton and Wallington (Mr. Brake), 16 February 1998, *Official Report*, column *486*. I understand that the only Ministers who currently have the use of cars in a different category are the Secretary of State for Home Affairs, the Minister without Portfolio, the Minister for the Regions, Regeneration and Planning, the Minister for the Armed Forces, the Minister for Defence Procurement and the Under-Secretary of State for Defence. These exceptions are either on the grounds of security or where the Ministers concerned have the use of cars provided for Ministers in the previous Administration, and to replace them would not be an efficient use of public resources.

Parliamentary Answers

Mr. Forth: To ask the Chancellor of the Duchy of Lancaster when he plans to reply to the question tabled by the right hon. Member for Bromley and Chislehurst on 24 February, on official cars (31663). [42402]

Mr. Kilfoyle: I have answered this question today.

TREASURY

Highly Indebted Poor Countries

Mr. Lilley: To ask the Chancellor of the Exchequer if he will list by country the value of outstanding debts on loans *(a)* made by and *(b)* guaranteed by the British Government to highly indebted poor countries. [42042]

Mr. Gordon Brown *[holding answer 14 May 1998]:* (a) All development assistance to Highly Indebted Poor Countries has been in the form of grants for many years, and the vast majority of old aid loans, to an amount of £1.2 billion, have been forgiven. At 1 May 1998, the only outstanding debts on UK aid loans to HIPCs are shown in the table:

Country	*Amount (£)*
Cameroon	67,000
Liberia	78,000
Nigeria	4,900,000

(b) At end 1997, the outstanding debts on loans guaranteed by the Government through ECGD, to the 41 countries identified under the HIPC initiative, were as follows:

£ million

Country	*Debt owned to ECGD*
Angola	91
Benin	3
Bolivia	18
Burkina Faso	1
Burundi	0
Cameroon	62
C.A.R.	1
Chad	0
Congo-Brazzaville	123
Cote d'Ivoire	31
DR Congo (ex Zaire)	129
Equatorial Guinea	0
Ethiopia	12
Ghana	4
Guinea	5
Guinea Bissau	0
Guyana	44
Honduras	0.5
Kenya	44
Lao PDR	0
Liberia	15
Madagascar	27
Mali	4
Mauritania	7
Mozambique	86
Myanmar	25
Nicaragua	1
Niger	11
Nigeria	3,100
Rwanda	0
Sao Tome et Principe	0
Senegal	3
Sierra Leone	4
Somalia	28
Sudan	405
Tanzania	126
Togo	14
Uganda	14
Vietnam	10
Yemen	6
Zambia	234

Taxation

Mr. Lilley: To ask the Chancellor of the Exchequer (1) what are his latest estimates of the average weekly payments for the tax year *(a)* 1997–98 and *(b)* 1998–99 for (i) NICs, (ii) income tax, (iii) VAT, (iv) indirect taxes excluding VAT and (v) council tax for a married couple with the male earning and the female not earning with two children, on total family earnings of (1) 75 per cent., (2) 100 per cent. and (3) 150 per cent. of average gross male full-time earnings, excluding any 1997 Budget measures whose revenue effect does not occur until at least the tax year 1999–2000; [41975]

(2) what are his latest estimates of the average weekly payments for the tax year *(a)* 1997–98 and *(b)* 1998–99 for (i) NICs, (ii) income tax, (iii) VAT, (iv) indirect taxes excluding VAT and (v) council tax for a married couple with the male earning and the female not earning with no children, on total family earnings of (1) 75 per cent., (2) 100 per cent. and (3) 150 per cent. of average gross male full-time earnings excluding any 1997 Budget measures whose revenue effect does not occur until at least the tax year 1999–2000; [41977]

(3) what are his latest estimates of the average weekly payments for the tax years (A) 1997–98 and (B) 1998–99 for *(a)* NICs, *(b)* income tax, *(c)* VAT, *(d)* indirect taxes excluding VAT and *(e)* council tax for a single person on (i) 75 per cent., (ii) 100 per cent. and (iii) 150 per cent. of average gross male full-time earnings, excluding any 1997 Budget measures whose revenue effect does not occur until at least the tax year 1999–2000. [41973]

Dawn Primarolo *[holding answer 14 May 1998]:* The available information, which shows tax and NICs payments at multiples of median male full-time earnings, is given in the table. Changes already announced, which will take effect in 1999, will offer significant help to families, reducing the burden of tax and NICs for a family with two children on median earnings. A one earner couple with 2 children with half median male earnings (£187.25 per week) will gain around £20 a week from the introduction of the Working Families Tax Credit. No family with children with earnings less than £220 per week will pay income tax. Child benefit for the eldest child will be increased by £2.50, the largest real increase since 1978. And all employees earning more than the Lower Earnings Limit will gain £1.28 a week from the abolition of the NICs entry fee.

Calculations of indirect taxes were dealt with in my answer to the hon. Member for Gordon (Mr. Bruce) of 5 May 1998, *Official Report*, columns *331–34*.

Income Tax and National Insurance at multiples of median full-time male earnings

	Applied percentages		
	75	*100*	*150*
1997–98			
Single			
Gross Income	268.80	358.40	537.60
Income Tax	41.57	62.18	103.39
NICs	21.92	30.88	41.54
Percentage of earnings			
Income Tax	15.5	17.3	19.2
NICs	8.2	8.6	7.7
Married no children			
Gross Income	268.80	358.40	537.60
Income Tax	36.29	56.90	98.11
NICs	21.92	30.88	41.54
Percentage of earnings			
Income Tax	13.5	15.9	18.3
NICs	8.2	8.6	7.7
Married with 2 children			
Gross Income	268.80	358.40	537.60
Income Tax	16.24	36.85	78.06
NICs	21.92	30.88	41.54
Percentage of earnings			
Income Tax	6.0	10.3	14.5
NICs	8.2	8.6	7.7
1998–99			
Single			
Gross Income	280.88	374.50	561.75
Income Tax	43.57	65.10	108.17
NICs	22.97	32.33	43.38
Percentage of earnings			
Income Tax	15.5	17.4	19.3
NICs	8.2	8.6	7.7
Married no children			
Gross Income	280.88	374.50	561.75
Income Tax	38.08	59.62	102.69
NICs	22.97	32.33	43.38
Percentage of earnings			
Income Tax	13.6	15.9	18.3
NICs	8.2	8.6	7.7
Married with 2 children			
Gross Income	280.88	374.50	561.75
Income Tax	17.33	38.87	81.94
NICs	22.97	32.33	43.38
Percentage of earnings			
Income Tax	6.2	10.4	14.6
NICs	8.2	8.6	7.7

Notes:

1. Income tax payments are calculated on the basis that the households receive no tax reliefs other than the standard allowances and have income only from employment. All earners are assumed to pay Class 1 national insurance contributions at the contracted-in rate.

2. Earnings are taken to be the median gross weekly earnings of all full-time male employees on adult rates with pay unaffected by absence. (Median earnings are more representative of the population as a whole than mean) The level of earnings in 1998–99 is based on a stylised assumption in line with the actual outturn for the year to January 1998.

3. In line with the convention in the Tax Benefit Reference Manual, Child Benefit is treated as a negative Income Tax.

Mr. Lilley: To ask the Chancellor of the Exchequer (1) what are his latest estimates of the average weekly payments for the tax year 1996–97 for *(a)* NICs, *(b)* income tax, *(c)* VAT, *(d)* indirect taxes excluding VAT and *(e)* council tax, for a single person on (i) 75 per cent., (ii) 100 per cent. and (iii) 150 per cent. of average gross male full-time earnings; [41972]

(2) what are his latest estimates of the average weekly payments for the tax year 1996–97 for *(a)* NICs, *(b)* income tax, *(c)* VAT, *(d)* indirect taxes excluding VAT and *(e)* council tax for a married couple with the male earning and the female not earning with no children, on total family earnings of (1) 75 per cent., (2) 100 per cent. and (3) 150 per cent. of average gross male full-time earnings; [41976]

(3) what are his latest estimates of the average weekly payments for the tax year 1996–97 for *(a)* NICs, *(b)* income tax, *(c)* VAT, *(d)* indirect taxes excluding VAT, *(e)* council tax for a married couple with the male earning and the female not earning with two children on total family earnings of (i) 75 per cent., (ii) 100 per cent. and (iii) 150 per cent. of average gross male full-time earnings. [41974]

Dawn Primarolo *[holding answer 14 May 1998]:* The available information, which shows tax and NICs payments at multiples of median male full-time earnings, is given in the table:

Income Tax and National Insurance at multiples of median full-time male earnings

	Applied percentages		
1996–97	*75*	*100*	*150*
Single			
Gross Income	256.73	342.30	513.45
Income Tax	42.24	61.78	102.85
NICs	20.79	29.35	40.62
Percentage of earnings			
Income Tax	16.1	18.0	20.0
NICs	8.1	8.6	7.9
Married no children			
Gross Income	256.73	342.30	513.45
Income Tax	36.07	56.61	97.69
NICs	20.79	29.35	40.62
Percentage of earnings			
Income Tax	14.1	16.5	19.0
NICs	8.1	8.6	7.9
Married with 2 children			
Gross Income	256.73	342.30	513.45
Income Tax with CB	16.47	37.01	78.09
NICs	20.79	29.35	40.62
Percentage of earnings			
Income Tax	6.4	10.8	15.2
NICs	8.1	8.6	7.9

Notes:

1. Income tax payments are calculated on the basis that the households receive no tax reliefs other than the standard allowances and have income only from employment. All earners are assumed to pay Class 1 national insurance contributions at the contracted-in rate.

2. Earnings are taken to be the median gross weekly earnings of all full-time male employees on adult rates with pay unaffected by absence. (Median earnings are more representative of the population as a whole than mean). The level of earnings in 1998–99 is based on a stylised assumption in line with the actual outturn for the year to January 1998.

3. In line with the convention in the Tax Benefit Reference Manual, Child Benefit is treated as a negative Income Tax.

Windfall Tax

Mr. Todd: To ask the Chancellor of the Exchequer if he will recalculate Table 1.2 of the FSBR with figures for *(a)* 1997–98, *(b)* 1998–99 and *(c)* 1999–2000 to include the windfall tax and associated spending. [39854]

Mr. Darling: Estimates of the expected receipts from the windfall tax are given in Table B9 and estimates of the associated spending are given in Table B11 of the March 1998 Financial Statement and Budget Report (FSBR). Table 1.2 can be recalculated to include the windfall tax and associated spending by adding the windfall tax receipts net of associated spending to the figures presented.

Piper Alarms

Mr. John M. Taylor: To ask the Chancellor of the Exchequer if he will make a statement on the levying of VAT on Piper alarms; and if he will assess the advantages of exempting such alarms from VAT. [41932]

Dawn Primarolo: Piper alarms (and similar alarm systems which enable people with disabilities to alert specified people or control centres that they are in distress) are already fully relieved from VAT when bought by disabled people and charities which serve their needs.

Customs and Excise

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer how many HM Customs and Excise personnel were employed *(a)* in countering smuggling of alcohol and tobacco products and *(b)* in total, on (i) 31 December 1996, (ii) 31 December 1997 and (iii) the most recent date for which figures are available. [41871]

Dawn Primarolo: Countering alcohol and tobacco smuggling is a part of the duties of all the Department's front line anti-smuggling staff, who are deployed to deal with a wide range of import prohibitions and restrictions; in this they are backed up by specialist intelligence and investigation staff. The only staff who deal exclusively with excise smuggling are Excise Verification Officers, whose responsibility is to counter smuggling from the Single Market. Their numbers were as follows:

At 31 December 1996: 285

At 31 December 1997 330

At 1 April 1998: 330.

The total number of staff employed by Customs was as follows:

At 31 December 1996: 23,571

At 31 December 1997: 23,475

At 1 May 1998: 23,450.

Written Answers to Questions

Tuesday 19 May 1998

ENVIRONMENT, TRANSPORT AND THE REGIONS

Council Rents

Ms Perham: To ask the Secretary of State for the Environment, Transport and the Regions if he will list, in order, the London boroughs by *(a)* percentage change and *(b)* cash terms change, in council rent collected for each of the last four years. [41154]

Mr. Raynsford: The information requested is not collected in the requisite form by my Department.

Data are collected through the Housing Subsidies and Grants Claim form by the Department on potential rent income and on actual rent outstanding at the end of the latest financial year. Deducting the latter from the former would provide an estimate of the current year's rent collected within the year. However, these particular responses on the form are not audited, the figures would not cover any rent collected after the end of the year, and not all authorities provide the rent outstanding figures.

The Audit Commission's Citizen Charter performance indicators for local authorities include an indicator on the percentage of rent collected.

Lorries

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions what costs have been incurred so far in strengthening bridges to accommodate 40 tonne lorries; and what estimate he has made of the costs of works yet to be undertaken. [41902]

Ms Glenda Jackson: For Trunk Roads in England, where assessment indicates that bridge strengthening work is required for a bridge to carry 40 tonne lorries, the work is then grouped with nearby maintenance and construction works so as to produce a programme which is most economical and least disruptive to road users. Consequently, contracts specify a range of work and it is not easy to separate the costs attributable to strengthening work alone.

The Agency estimated at the start of financial year 1997/98 that it needed some £240m to complete the bridge strengthening programme for Trunk Roads in England.

In addition, over the period 1991/92 to 1998/99, central Government have made £913m available to Local Authorities for expenditure on bridge works. It is not possible at this stage to provide an accurate estimate of necessary future strengthening work.

Hydrofluorocarbon

Mrs. Brinton: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with his EU counterparts concerning hydrofluorocarbon emissions. [41905]

Mr. Meacher: The Government are in regular contact with other European Member States to discuss how the European Community and its Member States can meet the targets that were set in the Kyoto Protocol. The Environment Council in June will consider how to develop measures to reduce emissions of greenhouse gases, including hydrofluorocarbons. The Government will be issuing a consultation paper later in the summer on policy options for meeting their commitments.

Air Freight (Wales)

Mr. Llwyd: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received on the possible expansion and use of small airports to transport freight in Wales. [42240]

Ms Glenda Jackson: My Department has received no representations on this particular matter.

Small Commercial Vessels

Mr. Maclennan: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 6 May 1998, *Official Report*, column *392*, which of the 11 certifying authorities listed in Annex A operate in the North of Scotland. [42127]

Ms Glenda Jackson: I refer the hon. Member to my previous answer of 6 May 1998, *Official Report*, columns *392–94*.

Motorcycle Parking

Dr. Tonge: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with local authorities in London regarding the increase in provision of motorcycle only parking in prominent locations. [42227]

Ms Glenda Jackson: I and my officials have had a number of discussions with local authorities about parking in London although none specifically covered motorcycle parking. However, our new Traffic Management and Parking Guidance for London, a copy of which is in the Library, includes, in particular, advice that local authorities should consider the need for motorcycle parking in developing their approach to local traffic planning.

Leaded Paint

Miss Melanie Johnson: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 28 April 1998, *Official Report*, column *88*, on leaded paint, what are the terms of reference for the Building Research Establishment's consultation on behalf of the Department; and when its findings are to be published. [42263]

Angela Eagle *[holding answer 18 May 1998]:* The Building Research Establishment was principally commissioned to:

1. Review the information and advice presented in the Department's current *Lead in Paint* leaflet (published March 1984), specifically with regard to modern methods of safe removal of leaded paint, taking into account waste disposal aspects and liaising with English Heritage, the British Coatings Federation and any other interested parties to be identified following discussions with the Department.
2. Draft the test for a revised edition of the leaflet and liaise with the Department in its production.

A subsidiary part of the commission was to:

3. Review the current situation regarding the presence of old leaded paint and its potential impact on human health in other countries of the European Union.
4. Review the impact in the other countries of the European Union of the derogation in the European Community Marketing and Use Directive (89/677/EEC) allowing limited use of lead paint in certain historic properties, works of art and scheduled monuments.

The final report should be submitted to the Department in July 1998. A copy will be placed in the House of Commons Library. It is now intended to publish the revised version of the leaflet on lead in paint by the beginning of June.

Motor Cycles

Mr. McWalter: To ask the Secretary of State for the Environment, Transport and the Regions what steps he has taken to permit powered two-wheel vehicles to use bus lanes, on a national basis. [42316]

Ms Glenda Jackson *[holding answer 18 May 1998]:* The Government have said that they will welcome proposals from interested local authorities for fully monitored experimental schemes in which powered two wheelers were permitted to use bus lanes, so that all the implications can be studied. After such trials, it will take a view on whether or not the practice is one that might be encouraged on a national basis.

Child Agricultural Employment

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions if he will raise from 13 years the age at which a person can lawfully drive a tractor on a farm. [42610]

Angela Eagle: The Health and Safety Commission is currently reviewing the legislation which sets the current limit at 13 years of age—the Agriculture (Avoidance of Accidents to Children) Regulations 1958. I am awaiting its advice on the outcome of this review.

Merchant Navy

Mr. Swayne: To ask the Secretary of State for the Environment, Transport and the Regions what measures he will take to increase the numbers of new officer recruits to the Merchant Navy; and if he will make a statement. [42547]

Ms Glenda Jackson: We are committed to increasing the numbers of British trained seafarers. A new seafarer training support scheme—SMarT—began on 1 April 1998 which consolidates and expands on the previous training support schemes. For the financial year 1998–99, SMarT has a budget 30% greater than the total paid out in grants for seafarer training in 1997–98.

Mr. Swayne: To ask the Secretary of State for the Environment, Transport and the Regions if he will take steps to reduce employment costs in the Merchant Navy; and if he will make a statement. [42548]

Ms Glenda Jackson: My right hon. Friend the Deputy Prime Minister established a Shipping Working Group late last year to examine ways to promote the interests of British shipping and British seafarers. One of the areas the Shipping Working Group examined was the employment environment for British seafarers. The Deputy Prime Minister is currently considering the recommendations of the Shipping Working Group.

Building Regulations

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions how many responses he has received to the public consultation on his proposals for amendments to Approved Document B to the Building Regulations 1991; and if he will list the organisations and individuals who submitted these responses. [42697]

Angela Eagle: The closing date for responses to the public consultation on the proposal to revise Approved Document B was 31 March 1998 and a list of those who responded was deposited in the Libraries of both Houses on 6 May 1998. The number of responses on this date was 172.

Water Companies

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what action his Department is taking to address the concerns of fire service and insurance organisations regarding the practice of some water companies of reducing mains water pressure in order to reduce leakage rates. [42699]

Angela Eagle: My Department has set up a National Liaison Group to improve the way that the water industry and fire service work together. Representatives of the fire service and the water companies on the Group are preparing a Code of Practice to facilitate better co-operation. Water pressure will be one of the issues covered. Following the Water Summit, water companies are working towards meeting their mandatory leakage targets in a variety of ways including the repair of customers' supply pipes and repair and replacement of mains. The Office of Water Services continues to ensure that any reductions in water pressure do not jeopardize water companies' statutory duties with regard to mains pressure and the delivery of water.

Delivery Vehicles (London)

Sir Patrick Cormack: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to restrict the access of delivery vehicles to Central London during daylight hours. [41846]

Ms Glenda Jackson: Traffic management on most roads in central London is the responsibility of the boroughs. The boroughs already have powers to restrict loading and unloading and the Government have no

plans to change them. As noted in the White Paper on proposals for modernising the governance of London, the management of freight traffic on the capital's roads will be an important policy area within the integrated transport strategy for London that the new Mayor will have a duty to produce.

Road Planning

Mr. McWalter: To ask the Secretary of State for the Environment, Transport and the Regions what directions he has issued to local authority engineers to require them to be more conversant with the needs and safety requirements of powered two-wheel vehicles and pedal cycles when planning road layouts. [42324]

Ms Glenda Jackson: My right hon. Friend the Secretary of State has no power to issue such directions to local authority officials. A range of technical guidance exists on providing for the needs of two-wheeled vehicle users. This includes "Transport in the Urban Environment" published by the Institution of Highways and Transportation in collaboration with my Department, Design Bulletin 32 on the layout considerations of roads and footpaths, produced by my Department, and "Cycle-friendly Infrastructure" produced jointly by the Institution of Highways and Transportation, the Bicycle Association, the CTC and the Department. In addition, there is an extensive range of advice on providing for cyclists within our Traffic Advisory Leaflets and other material. This is listed in our cycling bibliography that is sent free to all local authorities.

Road Maintenance

Mr. McWalter: To ask the Secretary of State for the Environment, Transport and the Regions what mechanisms he has developed to ensure that local authorities receive adequate funding for road maintenance, with particular reference to repairing the types of damage which are hazardous to cycles and motorcycles. [42326]

Ms Glenda Jackson: The Government are committed to making best use of the existing road network. Future levels of funding for local road maintenance are under consideration in the Comprehensive Spending Review. It is for local authorities to plan their road maintenance, taking account of the needs of all groups of road users.

Information

Mr. Sanders: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 12 May 1998, *Official Report*, columns *65–66*, on freedom of information, what factors determine which inquiries are monitored. [42687]

Angela Eagle: The responses to inquirers are co-ordinated when there are a number of inquiries from an individual, covering a range of topics, addressed to different parts of HSE and where there could be a risk that, inadvertently, inaccuracies or inconsistencies might occur.

Shellfish Waters

Mr. Steen: To ask the Secretary of State for the Environment, Transport and the Regions when a decision will be reached on the designation as shellfish waters of each of the remaining major estuaries in Devon; and what factors underlie the delays in reaching the decision to date. [42624]

Angela Eagle: The EC Directive concerning the quality of waters for shellfish was formally transposed in England and Wales by means of secondary legislation in June 1997. The legislation replaced the administrative arrangements under which the Directive had previously been implemented and was the first step in a process to review implementation policy, including designations. Since the legislation was enacted, work has been proceeding with the review. A review of water quality standards for some of the Directive's parameters has been completed and discussions have been held with the shellfish industry, MAFF and CEFAS (Centre for Environment, Fisheries and Aquaculture Science) to produce a candidate list of new areas for designation, and a public consultation paper on these issues is in preparation. We expect to issue this by the summer recess, but the timing of final decisions will be dependent on the response to the consultation exercise.

Severn Rail Tunnel

Mr. Webb: To ask the Secretary of State for the Environment, Transport and the Regions what mechanisms are in place to ensure safety in the Severn Rail Tunnel; what improvements have been made recently to the track in the tunnel and fire safety arrangements; and what further improvements are planned. [42701]

Ms Glenda Jackson: The responsibility for ensuring safety in the Severn Tunnel rests primarily with Railtrack plc. Railtrack is responsible for maintaining the track and structure of the tunnel as well as regulating the flow of rail traffic through it. Railtrack contracts the maintenance of the tunnel to specialist contractors who undertake inspection, testing, maintenance and renewal work. Railtrack has management systems in place which are aimed at ensuring that their contractors carry out necessary work to the required standard.

A programme of major improvement works has been carried out in the tunnel over the past few weeks. This has included track renewal and drainage work. Following the completion of the work, Railtrack removed a temporary speed restriction which they had previously imposed because of poor track condition.

I understand that the Health and Safety Executive's Railway Inspectorate is content with the arrangements relating to fire emergencies, introduced after the publication of its report into the accident in the Severn Tunnel on 7 December 1991.

Railtrack has on-going arrangements in place for the inspection and maintenance of the tunnel.

Housing Land

Mr. Heppell: To ask the Secretary of State for the Environment, Transport and the Regions what progress he has made in obtaining an assessment of the amount of previously developed land available for housing, announced in his policy document, "Planning for the Communities of the Future" on 23 February. [42966]

Mr. Caborn: My Department has worked with the Local Government Management Board, English Partnerships, Ordnance Survey and local authorities to establish a method of providing a consistent assessment of previously developed land which may be available for housing or other development, as the first step towards a complete Land Use Database for England.

Key features of the approach are to meet the needs of a number of organisations from a single data collection exercise, and to use information already held by the local authorities wherever possible, to avoid duplication of effort. Local authorities will be asked to draw up a list of previously developed sites along with information about the location, area, planning status and other relevant characteristics of each site. This will be done to a common format and using standard definitions that will be set out in guidance being developed jointly by DETR, Local Government Management Board, English Partnerships and Ordnance Survey following consultation with a number of local authorities.

English Partnerships will contract teams of surveyors which will visit each local authority to complete the data collection and to collect additional information about certain sites on the potential for redevelopment. Ordnance Survey will provide quality assurance on the geographical attributes of the data, and develop the list of sites into a 'map database' showing the site boundaries. Ordnance Survey will also develop a plan for extending the coverage of the database to other land uses, and for keeping the resulting National Land Use Database up to date.

Data collection will start in the summer. English Partnerships intends to publish information on an initial set of sites suitable for redevelopment by the end of the year; summary results for all sites should be available by March 1999. Meanwhile, local authorities will have consistent information on the amounts of previously developed land which may be available for housing to assist in the drawing up of national and regional targets for the reuse of land.

The database will also have value for other organisations. For example, officials are discussing with Urban Mines, an environmental NGO, which launches its own "Brownfield Sites" project today, to ensure the two projects are complementary. The intention is to secure agreements to make the information more widely available, including appropriate charging for commercial use.

We shall be discussing this work as it progresses with the Urban Task Force.

London Underground

Dr. Cable: To ask the Secretary of State for the Environment, Transport and the Regions how many delays to London Underground services have been caused by *(a)* broken rails, *(b)* signal failures, *(c)* obstructions on the track and *(d)* all causes in total, for each of the last five years. [37271]

Ms Glenda Jackson *[pursuant to her reply, 6 April 1998, c. 6]:* I understand from London Underground that the information requested is as shown in the table.

Cause of delay	*1993–94*	*1994–95*	*1995–96*	*1996–97*	*1997–98*
Broken/cracked rails	31	8	30	22	56
Signalling	1,783	1,718	1,862	1,891	2,181
Objects on track	217	208	248	327	314
All causes	35,952	34,150	34,463	34,767	38,840

TREASURY

Public Opinion Research

Mr. Gibb: To ask the Chancellor of the Exchequer, pursuant to his answer of 30 March 1998, *Official Report*, column *441*, if he will publish the findings of the public opinion research conducted by *(a)* Fishburn Hedges on presentational aspects of the individual savings account and *(b)* Ogilvy and Mather on presentational aspects of the working families tax credit. [38217]

Mr. Geoffrey Robinson *[holding answer 7 April 1998]:* The Chancellor announced in the Pre-Budget Report that he was considering proposals for an individual savings account and a working family tax credit, and that he would be consulting widely on these in the run-up to the Budget. Fishburn Hedges and Ogilvy and Mather were employed by the Treasury to look at the presentational aspects of the proposals. Their appointment was entirely consistent with long-established rules on the appointment of consultants by Government. The Chancellor drew on their work in preparing the Budget.

Market Research

Mr. Gibb: To ask the Chancellor of the Exchequer, pursuant to his answer of 12 February 1998, *Official Report*, column *384*, (1) if he will publish for the survey of PEP/TESSA holders *(a)* the name of the company chosen to conduct the survey, *(b)* the cost of the contract and *(c)* the brief given to the opinion research company in respect of the people to be interviewed; and if he will place the results of the survey in the Library; [38893]

(2) if he will publish for each of the omnibus surveys measuring characteristics of PEP/TESSA holders, amounts saved and savers' attitudes to tax-free savings accounts *(a)* the names of the companies involved, *(b)* the cost of each survey and *(c)* the brief given to each company in respect of the people to be interviewed; and if he will place the results of the surveys in the Library; [38892]

(3) if he will publish the questions asked in each of the omnibus surveys into the characteristics of PEP/TESSA holders, amounts saved and savers' attitudes to tax-free savings accounts; [38890]

(4) if he will publish the questions asked in the survey of PEP/TESSA holders. [38891]

Mr. Geoffrey Robinson *[holding answer 20 April 1998]:* The Inland Revenue added questions to two Omnibus surveys, conducted by the Office for National Statistics (ONS) and MORI Financial Services (MFS);

arranged for a follow-up survey by MFS; and purchased existing analyses from NOP's Financial Research Survey. The cost of the information was as follows:

NOP: £1,350

ONS: £24,400

MFS: £14,500.

Details on the specifications of all the surveys and a summary of the main findings have been placed in the House of Commons Library.

Tax Law Rewrite Project

Mr. Timms: To ask the Chancellor of the Exchequer what further developments there have been on the Tax Law Rewrite Project. [42904]

Dawn Primarolo: The Tax Law Rewrite project aims to bring clarity to our direct tax legislation, making the tax system more accessible to taxpayers, and their advisers. The Inland Revenue have today published a document which reviews the recent progress of the project and outlines its work programme for 1998–99. Copies have been placed in the Libraries of the House.

The Rewrite is a major task, and we are committed to doing it well. We are also committed to continuing on the basis of full and open consultation. Such consultation has been the hallmark of this project from the beginning and will, I am confident, ultimately ensure that it is a highly successful one.

MI5

Dr. Julian Lewis: To ask the Chancellor of the Exchequer what briefings were given by Treasury Ministers on the funding of MI5; what meetings have taken place between Treasury Ministers and journalists at which MI5 was discussed; and which journalists were involved. [39197]

Mr. Darling: No such briefings or discussions have taken place about the Security Service's budget. As I announced in a written answer to my hon. Friend the Member for East Ham (Mr. Timms) on 30 October 1997, *Official Report*, column *884*, intelligence agencies are being reviewed as part of the Government's Comprehensive Spending Review. The terms of reference have been placed in the library.

Consultation Papers

Mr. Gordon Prentice: To ask the Chancellor of the Exchequer if he will list the consultation papers published since 1 May 1997 giving the date of publication, closing date for submissions and the number of respondents. [42246]

Mrs. Liddell: Following is a list of the public consultation papers published by the Treasury since 1 May 1997, with the publication dates, closing dates for submissions and number of respondents. It does not include consultations which have been announced, but for which no consultation papers have yet been issued; nor does it cover a number of taskforces and advisory groups which may also have a consultative role.

Title	*Publication date*	*Closing date for submissions*	*Number of respondents*
Proposals for a new Industrial and Provident Societies Act	23 March 1998	1 May 1998	64
Innovating for the future: investing in research and development	17 March 1998	30 June 1998	25 to date
Bank of England powers to collect information for monetary policy purposes	13 February 1998	13 March 1998	12
Index linked gilt auctions	5 January 1998	30 January 1998	28
The future of UK Government debt and cash management: a response for consultation	22 December 1997	none	6
Cash ratio deposits	25 November 1997	20 April 1998	19
Pre-Budget Report	25 November 1997	17 March 1998	1,250
The future of UK Government debt and cash management: a proposal for consultation	29 July 1997	12 September 1997	20

CULTURE, MEDIA AND SPORT

Public Bodies

Mr. Öpik: To ask the Secretary of State for Culture, Media and Sport how many and what proportion of his Department's appointees to non-departmental public bodies are (i) aged under 25, (ii) aged 25 to 30 and (iii) aged 31 to 35 years. [40736]

Mr. Chris Smith: Since the publication of the Commissioner for Public Appointments' Guidance, statistics on the ages of appointees have been routinely collected. Details of the ages of those appointed before this date are not available in all cases.

Based on the information available, four serving appointees are under the age of 35, of whom one person is aged between 25 and 30 and the rest between 31 and 35 years. This is approximately 1% of the total.

These figures include all appointments which fall under my responsibility or where my role is to advise my right hon. Friend the Prime Minister and, through him, Her Majesty the Queen. The figures include appointments made or recommended by previous Secretaries of State as well as by me.

The Government are committed to encouraging a wide range of candidates to apply for positions on the boards of public bodies, reflecting the diverse society in which we live.

This includes encouraging more young people to put themselves forward as potential candidates for public appointments. All appointments are made on merit, and candidates must demonstrate that they have the necessary skills and experience to match the needs of the public body on which they wish to serve.

Arts Awards

Ms Buck: To ask the Secretary of State for Culture, Media and Sport what proportion of awards made by *(a)* the Arts Council and *(b)* the London Arts Board have been directed towards black and minority ethnic groups in each year between 1987–88 and 1996–97. [41359]

Mr. Fisher: Figures for grant-in-aid awards from the Arts Council of England and the London Arts Board are not available under the Black and Minority Ethnic heading. However, figures are available under the broader Cultural Diversity heading.

Figures for grant-in-aid awards, from the Arts Council of England and the Regional Arts Boards to the Cultural Diversity sector, are available only from 1990–91 onwards. These are set out in the following table:

Year	Total Grants Awarded (£)	Total Cultural Diversity Awards (£)	Cultural Diversity (Per cent.)
1996–97	123,425,000	2,492,000	2.02
1995–96	123,143,000	2,394,000	1.94
1994–95	118,404,000	2,490,000	2.10
1993–94	120,929,000	2,547,000	2.11
1992–93	117,162,000	2,453,000	2.09
1991–92	115,738,000	1,992,000	1.72
1990–91	90,425,000	1,780,000	1.97

Figures for Lottery awards from the Arts Council of England to the Cultural Diversity sector, which can be clearly identified as awards to black and minority ethnic groups, are set out in the following table:

	Number of Black/Minority ethnic awards	Total Black/Minority ethnic awards (£)	Total of awards	Total grants awarded (£)	Black/Minority ethnic (Per cent.)
A4E Main Scheme Rounds 1–3, 1996/97	35	4,382,453	278	38,421,000	14
A4E Express	65	296,961	2,070	8,437,760	3.2
Capital 1995/96–1997/98	29	1,420,000	1,794	842,000,000	0.2
Film 9.1995/1.1998	11	4,305,853	85	49,485,612	9

A number of other awards may have been made which benefited black and minority ethnic groups, but in which the primary applicant was not so identified.

Figures from the London Arts Board for Cultural Diversity awards, where available, are set out in the following table:

Year	Total Cultural Diversity Expenditure (£)	Percentage of total grant expenditure
1995/96	2,237,102	17.9
1994/95	2,260,895	18.4
1993/94	1,817,614	19.4
1992/93	1,786,893	19.2

Listed Sites and Buildings

Mr. Duncan: To ask the Secretary of State for Culture, Media and Sport how many *(a)* listed buildings, *(b)* scheduled ancient monuments, *(c)* conservation areas, *(d)* local or national nature reserves, *(e)* sites of special scientific interest, *(f)* areas of outstanding natural beauty and *(g)* world heritage sites, are currently recorded. [42274]

Mr. Banks: The information requested, in respect of England, is as follows:

(a) Listed Buildings: 365,846[1] entries on the statutory list of buildings of special architectural or historic interest;

(b) Scheduled Ancient Monuments: 17,538[2] entries in the schedule of ancient monuments;

(c) Conservation Areas: 8,758;

(d) Local Nature Reserves: 593, National Nature Reserves: 194;

(e) Sites of Special Scientific Interest: 3,987;

(f) Areas of Outstanding Natural Beauty: 37, and

(g) World Heritage Sites: 11 (the UK as a whole, including dependent territories, has a total of 17).

[1] This figures relates to list entries which sometimes include more than one building. It is estimated that the number of buildings listed is between 450,000 and 500,000.

[2] This figure relates to entries which sometimes cover more than one monument. It is estimated that the number of sites and monuments scheduled is about 23,000.

Lottery Grants

Mr. Duncan: To ask the Secretary of State for Culture, Media and Sport if he will list the total *(a)* number and *(b)* value of the grants made by the Heritage Lottery Fund in the categories of (i) land, (ii) buildings, (iii) museums and galleries, (iv) industrial, transport and maritime and (v) manuscripts since its establishment in 1994. [42336]

Mr. Banks: As at 24 March 1998, the breakdown of awards made by the Heritage Lottery Fund since 1994 is as follows:

Heritage sector	Number of awards	Value (£ million)
Land	230	66
Buildings	905	308
Museums and galleries	349	432
Industrial transport and maritime	86	64
Manuscripts and archives	78	51

Mr. Duncan: To ask the Secretary of State for Culture, Media and Sport if he will list the total *(a)* number and *(b)* value of the grants made by the National Heritage Memorial Fund in the categories of (i) land, (ii) buildings, (iii) museums and galleries, (iv) industrial, transport and maritime and (v) manuscripts since 1980. [42338]

Mr. Banks: Information on the number and value of awards made by the National Heritage Memorial Fund by heritage sector since 1980 is not readily available. However, the Fund has made 1,144 awards to date with a total value of £199m.

Film Industry

Miss McIntosh: To ask the Secretary of State for Culture, Media and Sport what plans he has for further Government support for the British film industry. [41876]

Mr. Tom Clarke: The recommendations of the Government's Film Policy Review Group were announced on 25 April. These set out an agenda for action by Government and industry in support of British film. Copies of the report 'A Bigger Picture' have been placed in the Library of the House.

On 12 May, I co-chaired a meeting of an Action Committee, made up of representatives of key sectors of the British film industry, which will oversee the implementation of the report's initiatives.

Sport (Women)

Mr. Pendry: To ask the Secretary of State for Culture, Media and Sport if he will make an announcement about the Government's adoption of the 1994 Brighton Declaration on Women in Sport. [42967]

Mr. Banks: I am delighted to announce that the UK Government have adopted the 1994 Brighton Declaration on Women and Sport. I wish to place on record my thanks to my hon. Friend for all his assistance in the past for his role in meeting this objective.

Our decision to adopt the Declaration further indicates our determination to improve opportunities for women at all levels in sport, whether as participants, competitors, coaches or administrators.

Through our policy of 'Sport for All' we shall continue to work with the Sports Councils and others to promote and develop opportunities in sport for women regardless of where they live, social background, age or ability.

NORTHERN IRELAND

Environmental Protection Agency

Mr. McGrady: To ask the Secretary of State for Northern Ireland what steps have been taken to establish an independent Environmental Protection Agency in Northern Ireland. [41620]

Mr. Paul Murphy: No steps have been taken to establish an Environmental Protection Agency in Northern Ireland.

The Environment and Heritage Service, a Next Steps Agency within the Department of the Environment for Northern Ireland was set up on 1 April 1996 to assume operational responsibility for environmental issues.

Prisoners

Mr. William Ross: To ask the Secretary of State for Northern Ireland, pursuant to her answer of 6 May 1998, *Official Report*, columns *412–13*, on prisoners, if she will list for each of the years from 1998 to 2002 and for the following five years the number of prisoners in each category expected to be released who are serving life or other indeterminate sentences. [41712]

Mr. Ingram: As a specific tariff is not set for individual indeterminate sentence prisoners in Northern Ireland, the information sought is not readily available. Figures provided previously have been broad approximations for indicative purposes. Given the small numbers involved, disaggregation of these figures by affiliation and by year of possible release could be misleading and could result in individual prisoners being identified or drawing incorrect inferences about the future handling of their cases.

The table is an estimate of the number of indeterminate sentence prisoners at HMP Maze who could be released during the calendar years 1998, 1999 and 2000. The figures include prisoners in organizations which do not have a cease-fire and exclude prisoners who have already been given a provisional release date or are at an advanced stage of consultation about release.

	Number of indeterminate prisoners
Total number of prisoners	99
Estimated releases in 1998	0
Estimated releases in 1999	6
Estimated releases in 2000	14
Remaining after December 2000	79

Beef Steer Prices

Mr. William Ross: To ask the Secretary of State for Northern Ireland what has been the average price paid to the producer for a *(a)* 400 kilogram and *(b)* 350 kilogram deadweight beef steer in each month of the last five years for which figures are readily available. [41658]

Mr. Paul Murphy: Information is not collated on the basis requested. However, details of the average deadweight price for all steers in each month since January 1993 are set out in the table.

Northern Ireland deadweight steer price (P/KG) 1993–98

	1993	*1994*	*1995*	*1996*	*1997*	*1998*
January	212	222	230	223	178	155
February	230	222	225	223	169	156
March	245	228	224	220	169	144
April	234	230	228	187	164	142
May	257	245	225	196	162	—
June	249	232	227	190	167	—
July	237	228	226	187	172	—
August	226	227	226	174	169	—
September	214	221	227	173	171	—
October	208	222	226	172	171	—
November	219	226	228	179	167	—
December	225	233	225	187	159	—

Beef Exports

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland if beef exports to the European Union have been resumed; what assistance is being given to the beef industry to regain markets in Europe; and if she will make a statement. [41622]

Mr. Paul Murphy: I refer the right hon. Gentleman to the reply given to him on 11 May 1998, *Official Report*, column *26*.

Referendum

Rev. Martin Smyth: To ask the Secretary of State for Northern Ireland, pursuant to her oral statement of 22 April 1998, *Official Report*, column 940, if she will list the amounts paid or due to be paid to the various parties in connection with the forthcoming referendum. [42146]

Mr. Paul Murphy *[holding answer 18 May 1998]:* The Government have no plans to give any money to parties in connection with the forthcoming referendum. The parties are, however, entitled to a free mail shot in the referendum. It is for the parties to approach the Post Office to arrange distribution of their material, and the Post Office then recovers the cost from the Government. Until that has happened, we do not know exactly how much money the mail shot will cost.

Ordnance Survey

Dr. Iddon: To ask the Secretary of State for Northern Ireland what performance targets have been set for the Ordnance Survey of Northern Ireland in 1998–99. [42905]

Marjorie Mowlam: For 1998–99, the following performance targets have been set for Ordnance Survey of Northern Ireland:

Output

1. To complete the digital conversation programme by 1999–2000 financial year by converting 1,740 large scale map sheets to digital format.
2. To survey 65,000 new survey units.
3. To update the digital topographic database with 26,000 survey units of change.

Quality of Service

4. To despatch within 7 working days 96% of customers orders for small and large scale basic format maps.

Efficiency

5. To reduce unit costs so that the weighted mean percentage reduction of selected representative activities is 2%.

Financial

6. To recover from the sale of goods and services 35% of the total costs incurred by the Agency.

Compensation Agency

Dr. Gibson: To ask the Secretary of State for Northern Ireland if she has agreed to the retention of Next Steps Agency status by the Compensation Agency after 31 March 1998; what future plans the Compensation Agency has prepared; and when they will be published. [42906]

Mr. Ingram: I have agreed that the Compensation Agency retains its status as a Next Steps agency from 1 April 1998 to 31 March 2000. The Agency will publish today its Corporate Plan and Business Plan. The Plans explain the Agency's business and organisation and set out the assumptions about workloads and resources which underpin the plans and targets.

Planning Service

Mr. Gareth R. Thomas: To ask the Secretary of State for Northern Ireland what performance targets have been set for the Department of the Environment's Planning Service in 1998–99. [42907]

Marjorie Mowlam: For 1998–99, the following performance targets have been set for the Planning Service:

To publish the following development plans in draft form by 31 March 1999:

Cookstown

Armagh Countryside proposals

Craigavon

To adopt the following development plans by 31 March 1999:

Belfast Road Lines

Antrim Area Plan alteration

Quality of Service

1. To achieve a customer satisfaction level of 80 in relation to the determination of planning applications.
2. To take 75 per cent. of Minor planning applications to District Council within 8 weeks.
3. To take 65 per cent. of Major planning applications to District Council within 8 weeks.
4. To issue 60 per cent. of all planning decisions with 7 working days of final District Council consultation.
5. To reduce the proportion of invalid planning applications received by 5 per cent. to 25 per cent. overall.
6. To issue responses to 93 per cent. of property inquiries within 10 working days.

Efficiency

1. To achieve 3 per cent. efficiency gains on running cost expenditure.
2. To reduce Property Certificate Unit costs by 1.5 per cent.
3. To achieve an average Unit Cost for planning applications not exceeding £2,885.

Financial Performance

1. To maintain expenditure within cash limits and to approved budget plans.
2. To maintain full recovery of the costs of determining planning applications.
3. To maintain full recovery of the costs of responding to property inquiries.

Environment and Heritage Service

Ms Southworth: To ask the Secretary of State for Northern Ireland what performance targets have been set for the Department of the Environment's Environment and Heritage Service in 1998–99. [42908]

Marjorie Mowlam: For 1998–99, the following performance targets have been set for the Environment and Heritage Service.

Volume of Output

Bring about a 10 per cent. reduction in the number of 'high' and 'medium' severity water pollution incidents by the year 2000 on 1996 figures.

Establish regulatory systems under the Waste and Contaminated Land (NI) Order 1997 for the registration of carriers, enforcement provision, fly tipping and special waste.

Produce for the Department a draft Waste Management Strategy by October 1998.

Declare 17 Areas of Special Scientific Interest (ASSI).

Submit proposals for the classification of three Special Protection Areas under the EC Birds Directive.

Complete the fieldwork for the NI Countryside Survey 2000 by December 1998.

Schedule 70 historic monuments to bring the total to 1,365.

Complete the resurvey of historic buildings in 24 wards.

Redesign the EHS home page and establish a regular updating system by 31 December 1998.

Quality of Customer Service

Provide a round the clock response for all water pollution incidents reported and begin investigation of such incidents within 24 hours.

Respond to 90 per cent. of written inquiries or requests for information within 15 working days.

Issue 85 per cent. Water Act consents, wildlife licences, ASSI and scheduled monument consents within the timescales quoted in our Customer Service Guides.

Efficiency

Achieve 3 per cent. efficiency gains on running cost expenditure.

Set specific unit cost targets for 1999–2000 for outputs.

Monitor and maintain expenditure within cash limits.

Information

Mr. Sanders: To ask the Secretary of State for Northern Ireland if her Department operates a monitoring exercise of persistent inquirers for information. [42641]

Mr. Paul Murphy: No.

PRIME MINISTER

Sierra Leone

Mr. Blunt: To ask the Prime Minister if he will make available the minutes of meetings of himself and any of his officials with President Kabbah or his representatives to *(a)* the public, *(b)* HM Customs and Excise investigation into the Sandline affair and *(c)* the subsequent Foreign Office inquiry. [42092]

Mr. Howard: To ask the Prime Minister who else was present at the meeting between himself and President Kabbah during the Commonwealth Heads of Government meeting in Edinburgh; what was discussed; and if the minutes of the meeting will be published. [41968]

The Prime Minister *[holding answers 14 May 1998]:* Neither I nor my officials have had any formal meetings with President Kabbah, or his representatives. I met him at the Commonwealth Heads of Government Meeting in Edinburgh last October, to which he was invited as my special guest. These contacts were informal and no minutes were taken.

Sir John Stanley: To ask the Prime Minister whether briefing on the article published in *The Observer* on 8 March concerning arms sales to Sierra Leone was requested by his staff. [42058]

The Prime Minister *[holding answer 14 May 1998]:* No.

Mr. Tyrie: To ask the Prime Minister what discussions he has had in 1998 with President Chirac about arms sales to Africa. [41915]

The Prime Minister *[holding answer 14 May 1998]:* I have had no discussions in 1998 with President Chirac about arms sales to Africa.

Mr. Tyrie: To ask the Prime Minister what discussions he has had with President Chirac about Sierra Leone in the past four weeks; and if he will give the dates and the main points of discussion. [41917]

The Prime Minister *[holding answer 14 May 1998]:* I have had no discussions with President Chirac about Sierra Leone in the past four weeks.

Parliamentary Questions

Mr. Lilley: To ask the Prime Minister if he will publish the guidelines currently used by Ministers and officials on the manner of responding to written parliamentary questions indicating any changes made since 7 May 1997. [42039]

The Prime Minister *[holding answer 14 May 1998]:* Guidance to Ministers on their responsibilities to Parliament is set out in the Ministerial Code.

Guidance to officials on drafting answers to Parliamentary Questions, including the responsibilities of civil servants to help Ministers fulfil their obligations, was set out as part of the then Government's response to the Public Service Committee's Report on "Ministerial Accountability and Responsibility" in November 1996. This advice has not altered. Copies of both documents are available in the Libraries of the House.

Lockerbie

Mr. Dalyell: To ask the Prime Minister, pursuant to his answer of 11 May 1998, *Official Report*, column *20*, what weight the Government place on the decision of the Lord Advocate, stated on 6 October 1995, that proof of the case against the two Libyans accused in respect of Lockerbie does not depend on evidence which may be given by Mr. James T. Thurman; and what independent assessment it has made of the relevance of Mr. Thurman's evidence. [42611]

The Prime Minister *[holding answer 18 May 1998]:* The assessment of the evidence in any Scottish criminal case is a matter within the exclusive jurisdiction of my noble and learned Friend the Lord Advocate. My noble and learned Friend the Lord Advocate exercises that jurisdiction independently and objectively and it would be quite inappropriate to invite another party to consider that which has already been properly considered.

North Korea

Mr. Vaz: To ask the Prime Minister when he plans to visit the Republic of Korea. [42360]

The Prime Minister: I have no immediate plans to visit the Republic of Korea.

Mr. Vaz: To ask the Prime Minister if he will make a statement on his discussions with the President of the Republic of Korea, with particular reference to his policy towards North Korea. [42359]

The Prime Minister: I discussed at length the situation on the Korean peninsula with President Kim at our meeting on 2 April. The Government believe that meaningful dialogue between North and South Korea is

the best means of achieving peace and stability on the peninsula. We welcome President Kim's policy towards the North as a positive step towards this.

Duty-free Shopping

Mr. Gale: To ask the Prime Minister, pursuant to his answer of 18 December 1997, *Official Report*, column *265*, on duty-free shopping, what estimate he has made of the potential number of job losses that will arise from the ending of the trade in duty-free goods; whether, during the UK presidency, the Commission carried out the proposed survey; and if he will make a statement. [42343]

The Prime Minister: The Department of Transport, Environment and the Regions has undertaken a study into the effect on the transport sector of the abolition of intra-EU duty and tax free sales in 1999. During the UK Presidency, the Commission has not undertaken a survey of the potential number of job losses that may arise from the abolition of duty and tax free sales within the EU. The position of the United Kingdom remains that it would not oppose a study should there be a consensus amongst member states in favour of such a study.

WALES

NHS (Staff Views)

Mr. Barry Jones: To ask the Secretary of State for Wales in what ways he seeks to obtain the views of staff in the NHS; and if he will make a statement. [40826]

Mr. Win Griffiths: I have instigated regular meetings with representatives of NHS Staff Organisations, both at Ministerial and officials level where a wide range of issues are discussed. In addition, the Department will be undertaking public consultation on proposals to reconfigure NHS Trusts. Trades Unions in the health service will be consulted directly.

Special Needs

Mr. Barry Jones: To ask the Secretary of State for Wales what plans he has to involve parents in formulating policies for children with special needs; and if he will make a statement. [41649]

Mr. Hain: The Welsh Office Green Paper on special educational needs (SEN), "The BEST for Special Education", issued last October emphasised the key role of parents. The consultation attracted a large number of responses, including responses from organisations representing parents and individual parents. We are giving careful consideration to all responses in deciding on the way ahead.

Breast Cancer

Ms Lawrence: To ask the Secretary of State for Wales if he will list by unitary authority the incidence of breast cancer in women in Wales over the past three years. [41790]

Mr. Win Griffiths: The following table shows the number of new registrations of female breast cancer in each of the last three years for which data are available.

New registrations of female breast cancer

Unitary authority	*1989*	*1990*	*1991*
Anglesey	31	43	47
Blaenau Gwent	43	42	29
Bridgend	72	68	106
Caerphilly	60	84	71
Cardiff	167	206	152
Carmarthenshire	94	107	110
Ceredigion	52	46	51
Conwy	86	95	89
Denbighshire	85	69	92
Flintshire	80	74	68
Gwynedd	83	79	68
Merthyr Tydfil	16	30	28
Monmouthshire	36	45	43
Neath Port Talbot	66	78	90
Newport	37	59	75
Pembrokeshire	76	48	70
Powys	66	60	64
Rhondda, Cynon, Taff	100	157	120
Swansea	129	146	142
Torfaen	40	42	48
Vale of Glamorgan	64	85	92
Wrexham	72	56	90
Unknown	49	17	7
Total	1,604	1,736	1,752

Source:
Welsh Cancer Intelligence and Surveillance Unit

Ms Lawrence: To ask the Secretary of State for Wales if he will give a breakdown by age of the incidence of breast cancer in women in Wales over the last five years. [41789]

Mr. Win Griffiths: The following table shows the number of new registrations of female breast cancer in each of the last five years for which data are available.

New registrations of female breast cancer

Age	*1987*	*1988*	*1989*	*1990*	*1991*
Under 30	11	11	10	9	6
30–34	20	17	22	17	13
35–39	47	55	41	49	51
40–44	90	87	90	96	97
45–49	128	139	118	140	119
50–54	122	146	128	155	157
55–59	154	161	147	181	186
60–64	219	189	217	232	223
65–69	189	222	202	212	230
70–74	166	199	153	185	205
75–79	212	173	185	164	183
80–84	126	140	141	128	138
85+	134	151	150	168	144
Total	1,618	1,690	1,604	1,736	1,752

Source:
Welsh Cancer Intelligence and Surveillance Unit.

Air Freight

Mr. Llwyd: To ask the Secretary of State for Wales what representations he has received on the possible expansion and use of minor airports in Wales to transport freight. [42158]

Mr. Hain: A number of the responses to the Government's consultation exercise into the development of an integrated transport policy referred to the importance of developing civil aviation services and airports in Wales, including the transport of freight. I am also undertaking a series of meetings with airport and

airline owners and operators to assess the potential for establishing scheduled air services between north and south Wales.

Our policies will shortly be set out in a White Paper, complemented to reflect the particular circumstances and needs of Wales by a Welsh Office Transport Policy Statement.

Transport

Mr. Llwyd: To ask the Secretary of State for Wales what initiatives are planned to help reduce the amount of *(a)* traffic and *(b)* freight on Welsh roads. [42226]

Mr. Hain: Our plans to develop an integrated transport policy will be set out in a UK wide White Paper on transport to be published shortly. At around the same time, a Welsh Transport Policy Statement will be published drawing out those issues of particular relevance and importance to Wales including, of course, measures to reduce congestion on Welsh roads. On freight, we have already taken a significant step forward with this week's announcement of Welsh Office support for the creation of a new Eurofreight terminal in south Wales.

Aerospace Factories

Mr. Barry Jones: To ask the Secretary of State for Wales what visits he has made to aerospace factories in North East Wales; and if he will make a statement. [42454]

Mr. Hain: My right hon. Friend visited Raytheon Corporate Jets on Friday 1 May of this year. I visited the British Aerospace facility in Broughton on 6 February. The aerospace industry is strategically important to Wales.

Sport

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on publicly funded assistance for people to participate in sport. [42451]

Mr. Ron Davies: Welsh Office support for increasing participation in sport by people of all ages and abilities is channelled through the Sports Council for Wales. In 1998–99, the Welsh Office's grant to the Sports Council is £6.6 million.

In addition, the National Lottery is providing excellent sporting opportunities for the people of Wales. Since it began distributing Lottery funds in 1995, the Sports Council has awarded around £30 million to local schemes which provide a wide range of new or improved sports facilities with long lasting benefits for schools and communities throughout Wales.

Cricket Clubs

Mr. Barry Jones: To ask the Secretary of State for Wales if he will list the amounts of Sports Council, Wales money allocated to cricket clubs in each of the last five years; and if he will make a statement. [42452]

Mr. Ron Davies: The allocation of funds to individual sports is an operational matter for the Sports Council for Wales. I will ask the Chief Executive of the Sports Council to write to my hon. Friend with the information he has requested. A copy of his letter will be placed in the Library of the House.

Sterling Level

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on the impact of the current level of sterling upon export-dependent small businesses in Wales. [42449]

Mr. Hain: I fully recognise the worries of export dependent small businesses in Wales about the current level of the pound. In setting interest rates, the Bank of England takes into account the effect on exchange rates and on exports. The Government's aim is a stable and competitive pound over the medium term. The most important thing is to deliver a stable economic environment—sustained growth, low inflation and sound public finances—while at the same time introducing policies to promote enterprise and investment and raise Britain's sustainable rate of growth. The Government are determined to take a long-term view and not be diverted from this course by short-term pressures.

Hypnotherapy

Mr. Ieuan Wyn Jones: To ask the Secretary of State for Wales how many health authorities in Wales funded hypnotherapy treatment in the last year for which figures are available. [42480]

Mr. Win Griffiths: Excluding GP fundholder referrals for which records are not held centrally, only North Wales Health Authority currently funds hypnotherapy treatment.

Information

Mr. Sanders: To ask the Secretary of State for Wales if his Department operates a monitoring exercise of persistent inquirers for information. [42642]

Mr. Ron Davies: No.

Jobseeker's Allowance

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on the operation of the jobseeker's allowance in Wales. [41494]

Mr. Keith Bradley: I have been asked to reply.

The Government are seeking to develop an active modern service that is flexible, efficient and easy to use. This will support promoting jobs not benefit dependency.

The administration of Jobseeker's Allowance is a matter for Peter Mathison, the Chief Executive of the Benefits Agency. He will write to my hon. Friend.

Letter from Peter Mathison to Mr. Barry Jones, dated 18 May 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question on the operation of Jobseeker's Allowance (JSA) in Wales.

JSA is delivered jointly by the Employment Services (ES) and the Benefits Agency (BA). The two agencies are accountable for different aspects of JSA delivery; the ES for labour market aspects and the BA for payment aspects and other Social Security benefit services. Areas of joint accountability are kept to a minimum.

The organisational arrangements were shaped by the following operational objectives:

to maximise the extent to which all services for the Jobseeker, including advice on relevant Social Security benefits, are delivered through a Jobcentre;

to improve service delivery and reduce administrative costs by streamlining processes and reducing the duplication of functions across the agencies;

to achieve an effective partnership between the two separate agencies, whilst maintaining clear lines of accountability and responsibility.

These objectives have a direct bearing on the location of functions, contact with the Jobseeker in the Jobcentre, the division of accountability and responsibility between the BA and the ES and the supporting management arrangements.

Contact with Jobseekers is primarily through the Jobcentre. To support this, there is a minimum requirement to locate certain BA functions in the Jobcentre and, as far as possible, the Jobseeker is seen by the same team of staff.

The level of service offered is underpinned by the Secretary of State's performance targets and the Jobseeker's Charter; the Employment Service also has JSA performance targets agreed with the Secretary of State for Education and Employment. These interrelate to deliver all elements of JSA.

The basis of the relationship between the two agencies is set out in a Memorandum of Understanding. There is regular, formal contact between managers in BA and ES at all levels in order to ensure that the JSA operation is effectively managed and that opportunities are taken jointly to effect any necessary improvements in performance and customer service. For example, there is a national initiative currently underway, examining the options available for improving customer service; Wales is included in this.

There are 93 Jobcentres in Wales, 65 have at least one member of BA staff permanently on site. In addition, 10 Jobcentres have BA member of staff present on a part-time basis and in 4 other Jobcentres ES staff provide BA services through a Service Level Agreement. Of the remaining sites, 5 have access to BA services through a direct phone link in the Jobcentre or through a Public Caller Office situated within the same town.

I hope that this is helpful.

DEFENCE

RAF Signals Engineering Establishment

Mr. Edwards: To ask the Secretary of State for Defence what key targets have been set for the Royal Air Force Signals Engineering Establishment for 1998–99. [42973]

Dr. Reid: The Royal Air Force Signals Engineering Establishment Agency's Key Targets for the Financial Year 1998–99 are:

Operational Strategy

KT 1—Reduce the core as far as possible and continue to refine it against the military need.

KT 2—Maintain 100 per cent. of core skills to support likely operations.

Performance Strategy

KT 3—Deliver 100 per cent. of operational tasks to time.

KT 4—Deliver at least 90 per cent. of non-operational tasks to time.

KT 5—Achieve a quality failure rate for completed tasks of less than 4 per cent.

KT 6—Reduce the full cost per Task Manhour by 7 per cent. on FY 96–97.

Personnel Strategy

KT 7—Achieve Investors in People accreditation by 31 December 1998.

Financial Strategy

KT 8—Develop an improved output costing system by 31 March 1999 which will interface effectively with the MOD's overall approach to Resource Accounting and Budgeting.

Information Strategy

KT 9—Complete an Action Plan to resolve the Year 2000 problem by 30 September 1998.

Defence Codification Agency

Mr. Edwards: To ask the Secretary of State for Defence what key targets have been set for the Defence Codification Agency for 1998–99. [43072]

Dr. Reid: The Defence Codification Agency's Key Targets for the Financial Year 1998–99 are:

Support to NATO Codification Strategy

KT 1—Meet 85 per cent. of timescales for UK codification requests as defined in Service Level Agreements/Customer Supplier Agreements.

KT 2—Meet 95 per cent. of timescales for international codification requests.

Information Management Strategy

KT 3—Uniquely codify 75 per cent. of new items using a source data.

Efficiency Strategy

KT 4—Reduce the unit cost of codification to less than £51.

KT 5—Reduce the Agency's Running Costs by 10 per cent.

Quality Strategy

KT 6—Reduce the number of post-codification challenges by 5 per cent.

Logistics Support Services Agency

Mr. Alexander: To ask the Secretary of State for Defence what key targets have been set for the Logistics Support Services Agency for 1998–99. [43073]

Dr. Reid: The Logistics Support Services Agency's Key Targets for the Financial Year 1998–99 are:

Business Strategy

KT 1—To produce 85% of all deliverables by the target date agreed with the sponsor.

KT 2—To deliver 80% of all outputs at the cost agreed with the sponsor.

KT 3—To produce 90% of all deliverables to the sponsor's complete satisfaction.

KT 4—To achieve a 3% reduction in the cost of a productive hour.

Quality Strategy

KT 5—To succeed at the triennial re-certification and surveillance to BS EN ISO 9001 by 30 September 1998.

Staff Car Mileage Allowance

Mr. Stunell: To ask the Secretary of State for Defence what was the total value in real terms of *(a)* staff car mileage claims paid and *(b)* staff rail fares paid in each year since 1989–90; and what was the total amount of staff car mileage for which reimbursement was made and the percentage change in each year since 1989–90. [42554]

Mr. Spellar: Unfortunately, the Department does not keep separate records for expenditure on these items back to Financial Year 1989–90. However, data have been retrieved back to 1991 for the amounts paid to civil servants in the Ministry of Defence as reimbursement for the use of their own vehicles on all forms of official duty, although mileage figures are only available since 1994. These are shown in the table; costs are given both as

actual in-year figures and at constant 1997–98 prices (i.e. uplifted for inflation by use of the Treasury GDP deflator):

(a) Car mileage claims paid

£

Financial year	Actual cost	Constant price at 1997–98 values
1991–92	11,800,000	13,954,000
1992–93	11,840,000	13,437,000
1993–94	11,230,000	12,384,000
1994–95	11,500,000	12,493,000
1995–96	12,200,000	12,896,500
1996–97	12,700,000	13,043,000
1997–98	12,100,000	12,100,000

The cost of rail travel undertaken by civil servants on official duty over the same period and given in the same format is as follows:

(b) Cost of rail fares

£

Financial year	Actual cost	Constant price at 1997–98 values
1993–94	5,229,660	5,767,148
1994–95	4,140,617	4,498,253
1995–96	4,817,745	5,092,796
1996–97	4,888,864	5,020,863
1997–98	4,897,573	4,897,573

The total mileages, and percentage changes by year, which are reflected in the figures provided at *(a)* above from 1994–95 onwards are as follows:

Financial year	Total mileage (million)	Percentage variation
1994–95	43.8	—
1995–96	46.1	+5
1996–97	47.3	+2.5
1997–98	45.4	–4

Mr. Stunell: To ask the Secretary of State for Defence what was the total number of staff of all grades employed by his Department; and what percentage of these staff were eligible to claim a car mileage allowance on 31 March in each year since 1990. [42555]

Dr. Reid: The total number of civilian staff of all grades employed by the Ministry of Defence on 31 March in each year since 1990 are listed in the table.

Year	Number
1990	139,100
1991	138,000
1992	137,300
1993	126,900
1994	123,900
1995	118,000
1996	111,600
1997	111,000
1998	105,900

For each year, all staff with a valid driving licence and vehicle insurance were eligible to claim a car mileage allowance while on detached duties. The Department does not record the number of employees who hold such documents.

Departmental Energy Use

Mr. Stunell: To ask the Secretary of State for Defence (1) what was the quantity of *(a)* oil, *(b)* gas and *(c)* electricity purchased for the heating, lighting and powering of all accommodation occupied by his Department within the UK in each year since 1989–90; and what was the total cost in real terms of *(a)* to (c) in each year; [42553]

(2) what proportion of his Department's energy usage was from *(a)* renewable energy and *(b)* combined heating in each year since 1989–90. [42556]

Mr. Spellar: The MOD is committed to energy management and each major site is required to have an Energy Manager, amongst whose responsibilities is the collection of relevant data. However, this material is not held centrally in the form requested and could be provided only at disproportionate cost.

Information

Mr. Sanders: To ask the Secretary of State for Defence if his Department operates a monitoring exercise of persistent inquirers for information. [42629]

Mr. Spellar: We do not monitor inquiries in such an exercise centrally. We do, however, monitor correspondence from the public sent to Ministers to determine our performance in responding to it. Where a correspondent has persistently corresponded with the Department on a particular issue and has been given the fullest possible answer, several times, it is our practice to send a formal letter stating that no further purpose will be served by continuing the correspondence. This decision is taken by an official at Grade 7 level or above and in accordance with Exemption 9 of the Code of Practice on Access to Government Information: Voluminous or vexatious requests.

Correspondence

Mr. Steen: To ask the Secretary of State for Defence when he plans to reply to the letter of 17 March from the hon. Member for Totnes, about Mrs. K. Graymore and the Dartmouth Royal Naval College. [42696]

Mr. Spellar: My office has no record of receiving the hon. Member's letter. We have, however, now obtained a copy and a reply will be sent as soon as possible.

Defence Analytical Services Agency

Mr. Alexander: To ask the Secretary of State for Defence if he will make a statement on the outcome of the Quinquennial Review of the Defence Analytical Services Agency; and what key targets have been set for the Agency for 1998–99. [43074]

Dr. Reid: The Defence Analytical Services Agency (DASA) was set up in 1992 and the Quinquennial Review of the Agency has now been completed. The Evaluation Phase of this Review concluded that the Agency had made remarkable strides in a short time, had succeeded in providing its customers with an improved standard of

service and was well positioned to take advantage of the gains made in its first five years. I am placing a copy of this Report in the Library of the House.

The Prior Options Phase of the Review concluded that the status of DASA as a Defence Agency should be extended for a further five years and that ownership of the Agency should be exercised by the Department's Principal Finance Officer. These recommendations have been accepted. A revised Framework Document for the Agency is being prepared and a copy of this will be placed in the Library of the House in due course.

The following key performance targets have been set for DASA for 1998–99.

1. To meet at least 95% of the targets set in Service Level Agreements and Project Agreements.
2. To have at least 90% of customers saying they are at least satisfied with the timeliness, quality of work and helpfulness of staff in the annual Customer Satisfaction Survey covering all aspects of the business.
3. To have at least 25% of customers who received DASA services in 1997–98 and 1998–99 report an improvement in DASA's services provided in the annual Customer Satisfaction Survey.
4. Within existing resources, to make "UK Defence Statistics" and other related corporate information available via electronic dissemination within the Department.
5. To deliver efficiency gains of 2.5% of the Agency's initial running cost allocation.

Ministry of Defence Police Agency

Mr. Alexander: To ask the Secretary of State for Defence what key targets have been set for the Ministry of Defence Police Agency for 1998–99. [43075]

Dr. Reid: The following Key Targets have been set out for the Ministry of Defence Police Agency:

By 31 March 1999 to have completed all remaining Service Level Agreements with the Agency customers.

By 31 March 1999 to have established an MDP Office Watch initiative at a minimum of 20 MOD locations nation-wide.

In financial year 1998–99 to have in place local Policing and Security plans at each MDP policed establishment.

By 31 March 1999, in accordance with Her Majesty's Inspector of Constabulary's recommendations, to have put in place agreed Area Policing Teams (APT) performance indicators which will enable the Agency to set targets for APT performance improvement in financial year 1999–2000.

To achieve across Chief Constable MDP's retained element of the MDP budget, an overall efficiency saving of 2.5 per cent.

To contribute to the achievement of Departmentally Mandated Standards for project CAPITAL (introduction of Resource Accounting and Budgeting).

TRADE AND INDUSTRY

Insolvency Practitioners

Mr. Peter Bottomley: To ask the President of the Board of Trade if she will make a statement on the regulation of insolvency practitioners and of their charges. [42804]

Mr. Nigel Griffiths: Mr. Justice Ferris is chairing a working party on remuneration of office holders which is expected to report shortly. Their terms of reference are to consider and make recommendations concerning the basis on which the courts should fix remuneration in those relatively rare cases where the courts are involved. However, we shall give careful consideration to how any recommendations they might make may be applied in other cases.

The fees of an insolvency practitioner are subject to approval by the creditors in most forms of insolvency procedure. The authorising bodies have issued practitioners with guidance in this area, directed particularly to ensuring that creditors are provided with sufficient information to enable them to form a judgment as to whether the fees sought are reasonable in the circumstances of the case.

Under the Insolvency Act 1986, only authorised persons may act as insolvency practitioners. Authorisation may be granted either by a recognised professional body or directly by my right hon. Friend the Secretary of State. Professional bodies are recognised on the basis that they have rules to ensure that practitioners have appropriate educational qualifications and experience and that they remain fit and proper.

Practitioners have been subject to a formal programme of monitoring visits by their authorising bodies since 1994. These visits are designed to assess whether a practitioner is fit and proper and to promote compliance with statutory obligations and best practice. Monitoring has shown that the majority of practitioners now have acceptable procedures. Where failures in compliance are identified, undertakings are sought where appropriate and, in more serious cases, the authorising body will consider whether further action is required.

In November 1996, a working party was established with representatives from the insolvency professional bodies and my Department's Insolvency Service, to review the current state of regulation and to consider how it might be made more effective in the public interest. The working party issued a consultative document in December last year and is now well advanced in reviewing responses and forming its preliminary views. They expect to submit their final report later this year and we shall certainly give their findings and conclusions very careful consideration.

Arms Exports

Ann Clwyd: To ask the President of the Board of Trade, pursuant to her answer of 29 April 1998, *Official Report*, column *151–52*, what is the total value of Export Credits Guarantee Department claims made by manufacturers, but not recovered from the courts of *(a)* Venezuela, *(b)* Jordan, *(c)* Kenya, *(d)* Egypt and *(e)* Algeria. [41460]

Mrs. Roche: From records readily available, the total level of ECGD claims outstanding on these markets as at 31 March 1998 was as follows:

	£ million
Algeria	172
Egypt	386
Jordan	278
Kenya	41
Venezuela	1

ECGD does not maintain its records on a basis which would enable it to provide the additional breakdown requested without disproportionate cost.

Anguilla (Rocket Launch Pad)

Mr. Randall: To ask the President of the Board of Trade when the United Kingdom Government were first approached for permission to build a rocket launch pad on Sombrero Island, Anguilla. [42133]

Mr. Battle: The Government first became aware of Beal Aerospace's proposal to build a satellite launch site on Sombrero Island in July 1997. This followed a letter from Beal Aerospace to the Government and Governor of Anguilla asking permission to lease the island.

Chronic Bronchitis and Emphysema

Sir Raymond Powell: To ask the President of the Board of Trade how much has been paid to *(a)* widows and *(b)* miners who were in receipt of state benefits for chronic bronchitis and emphysema; how many (i) miners and (ii) widows are entitled to receive these benefits; when the final payments are to be paid; and what arrangements apply to the interest on this money whilst negotiations continue. [42341]

Mr. Battle *[holding answer 18 May 1998]:* To date, over 200 interim payments of £2,000 have been made to miners in receipt of Industrial Injuries Disablement Benefit for chronic bronchitis and emphysema (PD.D12). We have recently extended the offer of interim payments to widows whose husbands were in receipt of PD.D12 benefit and, to date, 5 payments have been made. However, the speed at which such offers can continue to be made is reliant on the co-operation of the claimants' solicitors who need to submit evidence of receipt of benefit and confirm acceptance of the offer on behalf of the claimant.

The Department has also now extended the offer to all claimants currently in receipt of PD.D12 benefit, estimated to be in excess of 13,000. However, DSS are unable to provide a breakdown between miners and widows, whose husbands would have been receiving PD.D12 benefit.

At a hearing on 27 March, plaintiff's solicitors requested a three-month adjournment to allow discussions on settlement arrangements to be progressed. The Court granted the adjournment and these discussions are continuing. We hope that arrangements can be agreed quickly, allowing full and final settlements for valid claims to begin being made as soon as possible.

Any interest payable on an award of compensation is usually calculated and paid at the same time as the award, i.e. at final settlement. If an interim payment has been made, then this amount is deducted from the compensation award before the interest is calculated.

HOME DEPARTMENT

Prisoners (Terrorist Offences)

Mr. William Ross: To ask the Secretary of State for the Home Department if he will list the prisoners convicted of terrorist offences who have been transferred from Great Britain to prisons in the Irish Republic indicating the *(a)* date of transfer, *(b)* date and length of sentence and the crimes of which they were convicted, *(c)* organisation to which they claimed allegiance and *(d)* date of release under the rules governing such release (i) in Great Britain prior to the Belfast Agreement, (ii) in Northern Ireland prior to the Belfast Agreement and (iii) under the terms of the Belfast Agreement. [41663]

Ms Quin *[holding answer 12 May 1998]:* Since the Irish Republic ratified the Council of Europe Convention on the Transfer of Sentenced Persons in November 1995, 23 prisoners convicted in England and Wales of terrorist-related offences have been repatriated to the Republic.

It is not normal practice to disclose the personal details of individual prisoners, nor does the Prison Service record centrally information on organisations to which prisoners may have claimed allegiance. However, the table lists for each of the 23 prisoners repatriated to date: their offences; date of sentence; sentence length; date of repatriation; non-parole release date in England and Wales; and, although the prisoners were not subject to the legislation applicable in Northern Ireland, dates of release, had they been so subject, prior to the Belfast Agreement.

The release, under the terms of the Belfast Agreement, of repatriated prisoners is a matter for the Irish Government.

Prisoners convicted of terrorist-related offences and repatriated to the Republic of Ireland

Offence	*Date of sentence*	*Sentence*	*Date of transfer to the Republic*	*Release under rules applicable in England*	*Release under rules applicable in Northern Ireland prior to the Belfast Agreement*
Attempted murder, conspiracy to cause explosions	19 October 1993	25 years	14 May 1996	15 July 2009	15 May 2005
Attempted murder x 3, conspiracy to cause explosions, conspiracy to murder, unlawful possession of firearms and ammunition x 2, unlawful possession of explosive substances, unlawful imprisonment	11 May 1976	Life	21 May 1996	Discretionary	Discretionary
Conspiracy to cause explosions	21 October 1994	25 years	13 November 1996	12 July 2010	12 May 2006
Causing explosions, attempted murder, kidnapping, possession of firearms	10 February 1994	35 years	13 November 1996	27 June 2016	27 August 2010

Prisoners convicted of terrorist-related offences and repatriated to the Republic of Ireland

Offence	*Date of sentence*	*Sentence*	*Date of transfer to the Republic*	*Release under rules applicable in England*	*Release under rules applicable in Northern Ireland prior to the Belfast Agreement*
Attempted murder x 2, possession of firearms	30 March 1993	18 years	13 November 1996	3 July 2004	3 July 2001
Conspiracy to cause explosions, placing explosives	14 April 1987	16 years	16 December 1996	6 January 1997	4 September 1991
Possession of explosive substance	19 July 1993	17 years	3 December 1997	27 February 2004	28 April 2001
Cause explosion, place explosives, attempted murder, kidnapping, possession of firearms	10 February 1994	25 years	3 December 1997	24 November 2009	24 September 2005
Cause explosions, place explosives	13 May 1994	30 years	3 December 1997	2 March 2013	1 March 2008
Murder, attempted murder, conspiracy to cause explosions	30 June 1977	Life	18 December 1997	Discretionary	Discretionary
Conspiracy to cause explosions	23 June 1986	Life	15 January 1998	Discretionary	Discretionary
Conspiracy to cause explosions	2 July 1997	35 years	15 January 1998	19 November 2019	18 January 2014
Conspiracy to cause explosions	2 July 1997	35 years	15 January 1998	19 November 2019	18 January 2014
Conspiracy to cause explosions	2 July 1997	35 years	15 January 1998	19 November 2019	18 January 2014
Conspiracy to cause explosions	2 July 1997	35 years	15 January 1998	19 November 2019	18 January 2014
Conspiracy to cause explosions	2 July 1997	35 years	15 January 1998	19 November 1998	18 January 2014
Conspiracy to cause explosions	6 December 1990	30 years	15 January 1998	18 March 2010	25 December 2004
Murder x 6, conspiracy to cause explosions, conspiracy to discharge firearms, false imprisonment, using a firearm	10 February 1977	Life	5 May 1998	Discretionary	Discretionary
Murder x 6, conspiracy to cause explosions, conspiracy to discharge firearms, false imprisonment, using a firearm	10 February 1977	Life	5 May 1998	Discretionary	Discretionary
Murder x 6, conspiracy to cause explosions, conspiracy to discharge firearms, false imprisonment, using a firearm	10 February 1977	Life	5 May 1998	Discretionary	Discretionary
Murder x 6, conspiracy to cause explosions, conspiracy to discharge firearms, false imprisonment, using a firearm	10 February 1977	Life	5 May 1998	Discretionary	Discretionary
Murder, attempted murder	30 March 1994	Life	5 May 1998	Discretionary	Discretionary
Murder	16 February 1988	Life	5 May 1998	Discretionary	Discretionary

Information

Mr. Sanders: To ask the Secretary of State for the Home Department if his Department operates a monitoring exercise of persistent inquirers for information. [42635]

Mr. Straw: My Department does not have any administrative arrangements in place for dealing specially with persistent inquiries for information. To date, there has been no requirement for such an exercise and therefore no guidance has been drawn up.

Racial Violence

Dr. Ladyman: To ask the Secretary of State for the Home Department, pursuant to his answer of 11 May 1998, *Official Report*, column *47*, in respect of his plans to combat racial violence, if he will make a statement on the impact of the provisions of the Crime and Disorder Bill [*Lords*] in combating attacks on foreign visitors, with particular reference to English language students. [42297]

Mr. Mike O'Brien: The Crime and Disorder Bill introduces new offences of racially aggravated violence, harassment and criminal damage. An offence will be racially aggravated if:

- at the time of committing the offence, or immediately before or after doing so, the offender demonstrates hostility based on the victim's membership of, or association with members of, a racial group; or
- the offence is motivated wholly or partly by hostility towards members of a racial group.

"Racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins. We expect that foreign visitors would be covered by this definition.

Consultation Papers

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department if he will list the consultation papers published since 1 May 1997 giving the date of publication, closing date for submissions and the number of respondents. [42249]

Mr. Straw: The information requested is given in the table.

Subject/title of paper	*Publication date*	*Closing date for comments/submissions*	*Number of respondents*[1]
The Future Role and Funding of Local Civil Protection in England and Wales	24 November 1997	15 January 1998	[2]—
The Control of Unscrupulous Immigration Advisers	22 January 1998	23 March 1998	53
The Prevention of Corruption—Consolidation and Amendment of the Prevention of Corruption Acts 1889–1916: A Government Statement	June 1997	31 August 1997	14
Community Safety Order	September 1997	9 October 1997	185
Community Protection Order	November 1997	3 December 1997	92
Violence—Reforming Offences Against the Person Act 1861	February 1998	15 Mary 1998	38
Draft Lotteries (Frequent Draws) Bill, and Stake and Proceed Limits	7 January 1998	13 February 1998	129
Getting to Grips with Crime—A New Framework for Local Action	September 1997	31 October 1997	550
Working Together: An Examination of Some Options for Collaboration and Reorganisation in the Fire Service	28 Novegnber 1997	30 January 1998	90
Fire Service Pensions Review	31 March 1998	31 July 1998	—
Racial Violence and Harassment	2 October 1997	31 October 1997	118
Tackling Youth Crime	25 September 1997	3 November 1997	323
New National and Local Focus on Youth Crime	9 October 1997	10 November 1997	267
Tackling Delays in the Youth Justice System	15 October 1997	12 November 1997	197
No More Excuses—A New Approach to Tackling Youth Crime in England and Wales. (This was a White Paper but views were invited on the contents of two chapters)	November 1997	31 March 1998	179
The Drug Treatment and Testing Order provisions contained in the Crime and Disorder Bill	Mid September 1997	31 October 1997	74
Data Protection—The Government's Proposals (Cm 3725)	31 July 1997	31 August 1997	71
Intrusive Surveillance—Draft Code of Practice	12 August 1997	30 September 1997	65
Improving Local Service through Best Value	30 March 1998	21 May 1998	—
Forensic Science Service move to Trading Fund Status	14 May 1998	8 June 1998	—
Police Pensions Review	31 March 1998	31 July 1998	—
Regulation of the Private Security Industry	15 August 1997	1 October 1997	c 70
Draft Regulations on Particulars Required in a Vehicle Hiring Agreement	15 January 1998	27 February 1998	8
Report of the Community Fire Safety Task Force. (This was a report to Ministers on which they decided to consult)	13 November 1997	31 January 1998	52
Fire Safety Legislation for the Future	28 November 1997	28 February 1998	c 450
Review of Prison Service Drug Strategy 'Drug Misuse in Prison'	3 April 1998	21 April 1998	20
Review of Prison Service Nursing	21 October 1997	20 February 1998	84
Reducing Remand Delays	23 October 1997	14 November 1997	12
Juries in Serious Fraud Trials	16 February 1998	31 May 1998	—
Fire Service Radio Strategy[3]	July 1997	7 October 1997	16
Out of the Line of Fire—Modernising the Standards of Fire Cover[4]	First version 15 January 1998 Amended version 12 March 1998	First version 9 February 1998 Amended version no specific deadline	First version 57 Amended version 34

[1] Figures include responses from individuals and organisations
[2] The paper invited consultees to complete a questionnaire and submit a written response. 287 questionnaires were returned together with 205 written replies
[3] This consultation was confined to major companies who were invited to take part
[4] This was not a general public consultation exercise but confined to local authorities, fire authorities and staff associations

Firearms Compensation

Mr. Robathan: To ask the Secretary of State for the Home Department what new arrangements will be put in place to speed up compensation payments to pistol owners under the firearms compensation schemes following the recent Steed v. Home Department Appeal Court judgment. [42261]

Mr. Michael: There are no new arrangements consequent on this specific case. The arrangements for processing claims made under the compensation schemes are being improved continually in the light of practical experience and our commitment to complete the compensation payments as quickly as possible. It is not simply a matter of staff numbers: this is a complex compensation scheme, mainly to fulfil the promise to be fair to all shooters who have surrendered weapons. New systems had to be developed and staff trained, but, where it is possible, routine tasks are identified which can be undertaken by non-specialist staff. Claims made under Options A and B will be completed shortly, allowing the examining staff to concentrate on the remaining Option C claims. The number of staff with the Firearms Compensation Section has been further increased since Easter and we are also making further use of data processing staff. Staff also regularly work overtime at weekends and on weekday evenings. We are processing the remaining claims as quickly as possible, while having regard to the need for careful checking of individual claims to guard against fraud.

Mrs. Ann Winterton: To ask the Secretary of State for the Home Department when claims for compensation, following the surrender of firearms, on *(a)* A and B options on full bore pistols and revolvers, *(b)* C options on full bore pistols and revolvers, *(c)* A and B options on small bore pistols and revolvers; and *(d)* C options on small bore pistols and revolvers will be settled in full. [42339]

Mr. Michael: Claims under Options A and B of the large-calibre compensation scheme and the small-calibre ex gratia scheme should be completed by the end of the month, and those under Option C by the end of the year.

We anticipate that all claims for guns handed in after 1 February 1998 under the small-calibre compensation scheme will have been paid before the end of March 1999.

Public Bodies

Jackie Ballard: To ask the Secretary of State for the Home Department (1) what is the average salary of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department; [42841]

(2) what is the average attendance fee of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department. [42842]

Mr. Straw: Details of remuneration to the board members of non-departmental bodies are set out in the Cabinet Office publication "Public Bodies". Copies of the 1997 edition are available in the Library. Details of remuneration to members of the Police Information Technology Organisation (PITO), which became an executive Non-Departmental Public Body on 1 April 1998, are given in the Ho[illegible]fice Annual Report 1998, copies of which are also [illegible]e in the Library.

Public Appointments

Jackie Ballard: To ask the Secretary of State for the Home Department when his Department's action plan for increasing the number of women holding public appointments will be published; and if he will place a copy in the Library. [42843]

Mr. Straw: My Department's action plan will be published shortly. Copies will be placed in the Library.

Criminal Injuries Compensation Board

Mr. Dismore: To ask the Secretary of State for the Home Department how many cases lodged with the Criminal Injuries Compensation Board under the 1992 scheme or its predecessors remain *(a)* to be disposed at first instance and *(b)* to be disposed of on appeal. [42445]

Mr. Michael: The Board advises that, at 30 April 1998, there were 3,396 cases remaining to be cleared at first instance under the 1990 Scheme, and 18,573 were awaiting determination at hearings.

Police (Training)

Ms Oona King: To ask the Secretary of State for the Home Department when his Department last reviewed police training. [42791]

Mr. Michael: A series of reviews led to the creation of National Police Training (NPT) in 1993. A strategic review of NPT began in 1997 and is expected to be completed later this year. A review of probationer training was carried out between 1994–95. Her Majesty's Inspector of Constabulary is carrying out a thematic inspection of police training, which is expected to be completed early in 1999.

Firearms Certificates

Mr. William Ross: To ask the Secretary of State for the Home Department (1) what assurances an applicant for a firearm or shotgun certificate will have in respect of patient confidentiality between himself and his doctor, under the proposals recommended by his Department's Operational Police Policy Unit to require or authorise inquiries to be made by the police directly with the applicant's general medical practitioner; what safeguards he proposes to include in the proposals; and if he will publish copies of the advice which he has received from the British Medical Association and other professional medical representative bodies; [42416]

(2) what assurances the applicant for a firearm or shotgun certificate will have that inquiring police officers or police civilians have a satisfactory understanding of the medical facts presented to them, under the proposals being made by his Department's operational police policy units to require future applications to disclose to the police any medical condition or disability. [42415]

Mr. Michael: The Firearms Rules, which prescribe various forms used in the firearms licensing system, are in the process of being revised to take account of the recent changes in firearms law. The new application form for a

firearm certificate will contain a number of questions about the applicant's health. An applicant's medical condition or history may be a relevant factor in determining fitness to possess firearms. It is only right that the chief officer of police should have this information in order to reach an informed judgment on an application. Accordingly, it is proposed that the application form should seek the applicant's authority for the police to obtain factual information about these conditions from his doctor. It will be for individual chief officers to ensure that such information can be interpreted properly, through either appropriate training or access to professional medical advice. Correspondence from individuals and bodies with whom we may consult as a matter of routine is not normally published and we have no plans to do so.

SCOTLAND

Local Government

17. **Mr. McAllion:** To ask the Secretary of State for Scotland what recent representations he has received relating to the best value regime for local government services in Scotland [41266]

Mr. Macdonald: I have had several useful exchanges about best value with a wide range of bodies and individuals. Best value seeks to achieve real improvements in local authority service delivery. I welcome further dialogue with interested parties on how we achieve this aim.

Health Services

18. **Mr. Savidge:** To ask the Secretary of State for Scotland if he will make a statement on the effect of Government policies on health services in the north of Scotland. [41267]

Mr. Galbraith: Our policies are bringing benefits to patients in the north of Scotland as they are elsewhere. For example, in Aberdeen the co-operative and collaborative approach we are encouraging will enable a new children's hospital to be built using capital receipts from the sale of redundant trust and health board estate.

Oil and Gas Industry

19. **Mr. Syms:** To ask the Secretary of State for Scotland when he last met representatives of the North sea oil and gas industry to discuss matters relating to the industry. [41268]

Mr. Wilson: I meet representatives of the individual oil and gas companies and the UK Offshore Operators Association from time to time to discuss a range of issues. I am due to meet Shell UK Ltd. later this afternoon.

Special Educational Needs

20. **Mrs. McKenna:** To ask the Secretary of State for Scotland what plans he has to involve the parents of children with special educational needs in the debate on future provision for them. [41269]

Mr. Wilson: Our discussion paper on special educational needs in Scotland acknowledges the importance of drawing on the knowledge and experience of parents. I invite all parents of children with special educational needs to express their views on any matters which are of concern to them within the context of the discussion paper or the Beattie committee which I have established to inquire into post-school special needs provision.

Murderers

22. **Mr. Browne:** To ask the Secretary of State for Scotland what plans he has to introduce legislation to make convicted murderers deported back to Scotland subject to the same supervision as those released on licence from Scottish prisons. [41271]

Mr. McLeish: The Government are conscious of and share the concern that United Kingdom nationals, deported to this country from overseas jurisdictions on the completion of their sentences for serious crimes cannot be made subject to supervision. However, tackling the issue raises a number of complex legal and practical issues not least the need to ensure that any statutory obligations placed on returning prisoners do not result in an aggravation of their sentence. Consideration is at present being given to possible options to address the issue.

"NHS Scotland: Designed to Care"

23. **Mr. Sarwar:** To ask the Secretary of State for Scotland what responses he has received to the Government's White Paper, "NHS Scotland: Designed to Care". [41272]

Mr. Galbraith: A number of responses to "Designed to Care: Renewing the NHS in Scotland" have been received from professional bodies and other groups. The responses have been predominantly positive, and have particularly welcomed the increased focus on patient care.

Primary School Entry

25. **Mrs. Ray Michie:** To ask the Secretary of State for Scotland how many parents exercised in the last academic year their right to defer primary school entry for one year. [41277]

Mr. Wilson: Full information on deferred entry is not available centrally. However, provisional results from the September 1997 school census show that, for 2,209 pupils in nursery schools and nursery classes in Scotland in 1997–98, entry to primary P1 had been deferred. These figures relate to publicly funded and independent nursery schools and classes only, and do not include private nurseries, day care units and other forms of pre-school establishments, on which information is not available.

Sewage and Waste Disposal

26. **Ms Squire:** To ask the Secretary of State for Scotland what progress has been made on recent research commissioned by his Department into the possible health hazards of sewage and waste disposal. [41278]

Mr. Macdonald: My noble Friend the Minister for Agriculture, the Environment and Fisheries announced on 5 May that the Scottish Environment Protection Agency had been asked to carry out a strategic review of recycling of all organic wastes to land. This study is due to be completed by Autumn 1998.

A co-ordinated project by the Macaulay land use research institute and the Scottish agriculture college into the disposal of wastes to land has recently started. This should be completed by April 2000. However, we would expect interim findings in early 1999.

In addition, the Water Research Centre's review of the scientific evidence relating to the agricultural use of sewage sludge is expected to be published shortly.

Exchange Rate

Mr. Eric Clarke: To ask the Secretary of State for Scotland what discussions he has had with industries in Scotland affected by the current exchange rate. [41251]

Mr. Dewar: I have frequent discussions with many firms across Scotland on a wide range of issues. The newly instituted Scottish Business Forums is a recent example.

I am impressed by the ability of Scottish firms to retain a significant presence in both domestic and overseas markets, notwithstanding the extremely competitive trading environment which they face.

Pregnant Women

Dr. Lynda Clark: To ask the Secretary of State for Scotland if he will make a statement about the provision of pain relief, beds and nursing staff for pregnant women in labour in Edinburgh hospitals. [41270]

Mr. Galbraith: Obstetric delivery services in Edinburgh are provided at the Simpson memorial maternity pavilion. The hospital has a total of 143 beds and 82 whole-time equivalent midwifery staff excluding midwives based in out-patient departments and day assessment units. A full range of methods of pain relief is offered at the hospital.

Land Reform

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland when he last met the Crown Estate Commissioner to discuss land reform issues in Scotland. [41273]

Mr. Macdonald: No meetings have taken place to discuss land reform issues in Scotland between my right hon. Friend and the First Crown Estate Commissioner. However, officials have been in touch with the Crown Estate regarding these matters.

Scottish Record Office

Mr. Browne: To ask the Secretary of State for Scotland if he will make a statement about the targets for the Scottish Record Office in 1998–99. [43047]

Mr. McLeish: I have set the Scottish Record Office the following key targets for 1998–99: to reduce the unit cost of preserving and making available the Records of Scotland by 2.5 per cent. in real terms; to increase the number of catalogue entries available for public scrutiny on the electronic system by 52,000; to produce material for readers in 92.5 per cent. of cases in 30 minutes or less for material from the same building and in 2 days or less for material from elsewhere; to issue replies to 85 per cent. of correspondence within 10 days, absorbing up to a 2 per cent. increase in demand; and to implement the agreed recommendations flowing from the prior options reviews of the Scottish Record Office and the Scottish Records Advisory Council, including the production of a revised corporate plan.

Registers of Scotland

Mr. David Stewart: To ask the Secretary of State for Scotland if he will make a statement about the targets for the Registers of Scotland executive agency in the financial year 1998–99. [43048]

Mr. Dewar: I have set the Registers of Scotland the following key targets for 1998–99: for the trading fund to achieve a return of 6 per cent. on net capital employed over the 3 year period ending 31 March 1999; to achieve the transfer of the counties of Perth, Angus and Kinross to the Land Register on 1 April 1999; to maintain and enhance customer service through the retention of charter mark and by improving customer satisfaction on first registration turnround times to 75 per cent. by 31 March 2000; to reduce progressively the turnround time for sasine writs to 25 days by 31 March 1999; to reduce progressively the turnround time for dealings with whole in the Land Register to 25 days by 31 March 1999; to reduce unit costs by 5.4 per cent. in real terms for sasine writs by 31 March 1999 from the base of £32.46 at 31 March 1997; to reduce unit costs by 2.4 per cent. in real terms for dealings with whole by 31 March 1999 from the base of £55.10 at 31 March 1997; and to launch a direct access service to customers by 30 November 1998.

Ancient and Historical Monuments Commission

Mr. Home Robertson: To ask the Secretary of State for Scotland if he will make a statement about the forthcoming policy and financial management review of the Royal Commission on the Ancient and Historical Monuments of Scotland. [43049]

Mr. Dewar: As part of the Government's ongoing programme of policy and financial management reviews of non-departmental public bodies, my Department will conduct a thorough review of the Royal Commission on the Ancient and Historical Monuments of Scotland—the national body of survey and record of the man-made environment in Scotland. As is the norm for such reviews, the first stage will take the forms of a "prior options" study. This will include an examination of the scope for discontinuing, privatising, contracting out or transferring to another body some or all of the functions carried out by the royal commission. The review is now under way and I would welcome comments from interested parties. Comments should be sent by 19 June to: Mr. John Barber, Room 3.9, Longmore House, Salisbury Place, Edinburgh, EH9 1SH.

Nurses, Midwives and Health Visitors

Mrs. McKenna: To ask the Secretary of State for Scotland if he will make a statement on the functions ascribed to the National Board for Nursing, Midwifery and Health Visitors for Scotland under section 6(1)(e) of the Nurses, Midwives and Health Visitors Act 1997; and what funding the board receives in respect of those functions. [43050]

Mr. Galbraith: The board is required to provide a central system to deal with applications to enter into training courses, to provide careers information to the public and to carry out research into training methods (SI 1993/637(S.83)). Funding for carrying out these functions is not specifically authorised by statute and, with Treasury agreement, it is intended to allow the expenditure to rest on the sole authority of the Appropriation Act until amending legislation can be enacted.

Uniform Business Rate

Mr. Bercow: To ask the Secretary of State for Scotland what plans he has to reform the uniform business rate in Scotland. [41275]

Mr. Macdonald: The Government will consult on options for change this summer. However, in the end, this will be a matter for the Scottish Parliament.

Police

Mr. Canavan: To ask the Secretary of State for Scotland what representations he has received about possible reorganisation of Scottish police forces. [41274]

Mr. McLeish: There have been two letters of representation following my right hon. Friend's announcement on 22 April to embark on a period of consultation and information gathering on whether the present eight Forces are the correct basis for the structure of the police service in Scotland as we approach the new millennium. It will then be for the Scottish Parliament to decide on whether any change is required.

Land Use (Glasgow)

Mr. David Marshall: To ask the Secretary of State for Scotland what is the total acreage of derelict land in the city of Glasgow; what acreage is contaminated land; and what acreage of each is located in the Glasgow, Shettleston constituency. [42854]

Mr. Macdonald: The Scottish vacant and derelict land survey 1996, (a copy of which is held in the House Library) records 894 hectares (1 hectare is approximately equivalent to 2.5 acres) of land as derelict in the City of Glasgow. The survey has limited information on derelict land known to be contaminated. In the 1996 survey, 196 hectares in the Glasgow Development Agency's area was recorded as contaminated.

Information on derelict or contaminated land is not held centrally by Parliamentary constituency.

Housing Stock (Glasgow)

Mr. David Marshall: To ask the Secretary of State for Scotland how many multi-storey blocks of flats above 10 floors high there are in the City of Glasgow; what is the total number of housing units in these blocks; what percentage of the council's housing stock this represents; and how many flats in multi-storey blocks have been sold. [42855]

Mr. Macdonald: At 31 March 1997, the latest date for which information is available, Glasgow city council owned 105,035 dwellings of which 23,129 (22 per cent.) were classified as high rise flats (flats in blocks of five storeys or more with a lift). Information on the numbers of these flats which have been sold is not available centrally.

Mr. David Marshall: To ask the Secretary of State for Scotland what discussions he has had with Scottish Homes regarding the condition and future of the multi-storey flats in Hutchesontown, Glasgow; and if he will make a statement. [42865]

Mr. Macdonald: While it is the Scottish Homes to make decisions on operational matters relating to its own stock, I have been kept closely informed of its intentions regarding the future of the houses concerned. I understand that recent proposals to transfer the houses to an alternative landlord cannot be progressed because funding from the private sector is not available. In line with the new arrangements introduced by COSLA and Scottish Homes in December 1997, Scottish Homes will now consider the options for the future of the houses in consultation with the local authority and the tenants concerned.

Mr. David Marshall: To ask the Secretary of State for Scotland how many houses below the tolerable standard there are in each constituency in Scotland; and if he will make a statement. [42866]

Mr. Macdonald: The 1996 Scottish house condition survey estimated that there were 21,000 below tolerable standard (BTS) occupied houses in Scotland. This information is not available by constituency.

Local authorities supply annual estimates to The Scottish Office for the numbers of BTS dwellings in their areas. These figures, which are only available by local authority area, are published in Scottish Office statistical bulletins, copies of which are held in the Library. The latest such bulletin (HSG/1997/1) was published in February 1997.

Care in the Community

Dr. Godman: To ask the Secretary of State for Scotland when he last met representatives of health boards and National Health Service trusts to discuss matters relating to care in the community programmes. [41249]

Mr. Galbraith: I meet representatives of health boards and NHS trusts regularly to discuss matters of current interest, including care in the community.

Child Care

Mr. David Stewart: To ask the Secretary of State for Scotland when the Green Paper on the child care strategy for Scotland will be published. [42769]

Mr. Dewar: Our Green Paper "Meeting the Childcare Challenge: A Childcare Strategy for Scotland" is being published today.

The Green Paper sets out how we intend to make a reality of our manifesto commitment to develop a childcare strategy for Scotland. It is the first time a Government have a coherent and strategic approach to childcare. We are backing the strategy with a substantial investment of public money: almost £5 million extra in 1998–99 with a further £25 million to come on stream from lottery resources through the new opportunities fund over the years 1999–2003.

The Green Paper sets out three steps to the strategy: raising quality, making childcare more affordable and making it more accessible. I am appointing a Scottish Childcare Board to provide an external source of advice as we implement the Strategy. At local level, local childcare partnerships will be set up to plan and co-ordinate developments in childcare, so that we can build on what already exists to ensure that every neighbourhood has the childcare available which meets its needs.

Our Green Paper sets out how we will take forward the childcare strategy for Scotland. The principles upon which it is founded apply across the United Kingdom and my right hon. Friends the Secretary of State for Education and Employment and the Secretary of State for Social Security and Minister for Women are also issuing a Green Paper on the national childcare strategy today. My right hon. Friends the Secretaries of State for Northern Ireland and Wales are also planning to consult on these matters in the near future.

Copies of the Green Paper will be available in the Vote Office.

LORD CHANCELLOR'S DEPARTMENT

Women Magistrates

32. **Ms Moran:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement regarding increasing the number of women on the Bench. [41288]

Mr. Hoon: The Lord Chancellor regards this as an issue of real importance. Judicial appointments must continue to be on merit but he wants to see more applications from women and is actively pursuing policies to encourage women to apply. In respect of lay magistrates, he expects his Advisory Committees to have regard to the need for balance and 48 per cent. of the lay bench are women.

Legal Aid

33. **Mr. Gerald Howarth:** To ask the Parliamentary Secretary, Lord Chancellor's Department when he intends to publish the Government's response to the public consultation on conditional fees and legal aid reform. [41289]

Mr. Hoon: We will publish our response as soon as the analysis of the 233 responses has been completed and my noble and learned Friend and I have had a chance to consider the results. I expect that to be within the next month or so.

34. **Mr. Dismore:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement on the role of trade union legal assistance schemes in the provision of legal services in the context of the civil justice and legal aid review. [41290]

Mr. Hoon: The excellent schemes operated by trade unions and their lawyers provide effective, specialist representation to a wide range of people. The Government wish to explore with the TUC the suggestion that the schemes might be made available to non-union members. We are keen to encourage as many avenues of access to justice as we can.

Mr. Bercow: To ask the Parliamentary Secretary, Lord Chancellor's Department how many responses he has received to his consultation paper on legal aid reform. [41293]

Mr. Hoon: 233.

Legal Profession

36. **Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department what assessment he has made of the extent of restrictive practices in the legal profession. [41292]

Mr. Hoon: The Government are opposed to restrictive practices which cannot be justified in the public interest. The legal profession is independent and self-regulating, and is responsible, in the first instance, for the rules governing the profession; but it is the duty of the relevant professional bodies to regulate their members in the public interest. As the Lord Chancellor made clear, on 24 February 1998, *Official Report*, columns *555–57*, he is looking at the restrictions on who may exercise rights of audience in the courts, and he intends to bring proposals forward, in due course.

One change to those who may exercise rights of audience has already been made. The Institute of Legal Executives was last month authorised to grant rights of audience to suitably qualified Fellows. It has thereby joined the Bar Council and the Law Society in being empowered to grant rights of audience in appropriate courts.

Magistrates Courts

Mr. Ruffley: To ask the Parliamentary Secretary, Lord Chancellor's Department what recent representations he has received regarding the closure of local magistrates courts. [41286]

Mr. Hoon: The provision of magistrates courts is, of course, regularly under review by the local magistrates courts committees. For example, so far this year I have received 139 representations from Members, local authorities, justices of the peace and other interested parties on courts' committee's plans for possible magistrates closures in England and Wales.

Magistrates Courts Committees

Mr. David Heath: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement on his proposals for the future arrangements for magistrates court committees in larger police authority areas. [41291]

Mr. Hoon: In my statement to the House on 29 October 1997, *Official Report*, columns 901–05, I set out the Government's view of the future structure of the magistrates courts service. I stated that there need to be fewer and larger magistrates courts committee (MCC) areas which are more closely aligned to the areas served by other justice agencies, in particular those of the police. The Lord Chancellor has recently signed the orders which will amalgamate the five MCCs in Merseyside and the seven MCCs in the West Midlands. A number of other MCCs are developing their own proposals, whilst the remainder are considering the way forward.

Computer Technology

Mr. Randall: To ask the Parliamentary Secretary, Lord Chancellor's Department how much his Department spent in 1997–98 and plans to spend in 1998–99 on computer technology in *(a)* the magistrates courts, *(b)* the county courts, *(c)* the Crown courts and *(d)* the High Court and Court of Appeal. [41285]

Mr. Hoon: During 1997–98, the Department's spending on computer technology was:

(a) £7.8 million for the magistrates' courts[1];

(b) £7.0 million for the county courts;

(c) £1.5 million for the Crown Court; and,

(d) £1.5 million for the High Court and Court of Appeal.

The estimates for 1998–99 are:

(a) £11.5 million for the magistrates' courts;

(b) £7.7 million for the county courts;

(c) £1.2 million for the Crown Court; and,

(d) £1.0 million for the High Court and Court of Appeal.

[1] This figure is an estimate because the actual expenditure will not be known until after December 1998 when we have received the audited grant forms from the external auditors.

Information

Mr. Sanders: To ask the Parliamentary Secretary, Lord Chancellor's Department if his Department operates a monitoring exercise of persistent inquirers for information. [42636]

Mr. Hoon: No formal monitoring of this information is carried out.

Barristers' Fees

Mr. Pickthall: To ask the Parliamentary Secretary, Lord Chancellor's Department how barristers' claimed hours of preparation are monitored; and what percentage of such claims are met without independent verification. [42267]

Mr. Hoon: In standardised fee cases, the preparation hours do not influence the fee level because the fee prescribed relates to the case as a whole or a discrete item of work. Standardised fees account for 90 per cent. of criminal cases. Standardised fees for advocacy in family cases are to be introduced later this year. In non-standard fee cases, the fees are paid following independent taxation or assessment when the reasonableness of the hours claimed is one of the factors taken in to account.

Mr. Pickthall: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the 50 barristers who have received the largest sums of money, taking account of both defence and prosecution costs met from public funds, over the last three years. [42266]

Mr. Hoon: The information requested is not readily available and could be obtained only at disproportionate costs.

Roger Levitt Case (Costs)

Mr. Pickthall: To ask the Parliamentary Secretary, Lord Chancellor's Department what were the final total costs of the Roger Levitt case broken down into *(a)* defence and *(b)* prosecution costs. [42268]

Mr. Hoon: The costs of R v Roger Levitt and others broken down into defence and prosecution costs associated with the trial were as follows:

Defence costs from legal aid: £2,649,495

Defence costs from central funds[1]: £10,699

[1] These costs compensate the privately represented defendant for any expenses properly incurred by him in the proceedings including the fees of his legal representation.

It is not possible to identify separately prosecution costs associated with the investigation and trial stages. However, it is estimated that the prosecution costs associated with the trial were £993,815. In addition the estimated prosecution costs of investigation amounted to £819,552.

International Criminal Court

Mr. Dalyell: To ask the Parliamentary Secretary, Lord Chancellor's Department, pursuant to his oral answer to the hon. Member for Banff and Buchan (Mr. Salmond) of 21 April 1998, *Official Report*, column 588, what discussions he has had with the Secretary of State for Foreign and Commonwealth Affairs on the applicability of the proposed International Criminal Court to cases of international terrorism. [41248]

Mr. Hoon: It is the Government's view that terrorism should not be one of the categories of crime over which the proposed International Criminal Court should have jurisdiction.

AGRICULTURE, FISHERIES AND FOOD

Fishing Industry

Mr. Kidney: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the possibility of introducing charges on the fishing industry; and if he will make a statement. [43021]

Mr. Morley: The question as to whether the fishing industry might contribute to the costs of decommissioning was raised by my right hon. Friend the Minister of Agriculture, Fisheries and Food at our first High Level meeting with industry leaders last July. I also indicated to the House on 17 December 1997, *Official Report*, column *346*, that it would be included in the possibilities considered in the current comprehensive spending review. As a contribution to continuing discussion of this issue, I am now placing in the Library of the House copies of a recently completed academic report by the University of Portsmouth which the Department commissioned towards the end of last year.

Agriculture Council

Mr. Ainger: To ask the Minister of Agriculture, Fisheries and Food what was the outcome of the informal agriculture council held between 10 and 12 May; and if he will make a statement. [42269]

Dr. John Cunningham: As Chairman of the EU Agriculture Council, I hosted an informal meeting of Agriculture Ministers in Newcastle upon Tyne from 10 to 12 May 1998. My noble Friend, the Lord Donoughue,

Parliamentary Secretary responsible for the farming and food industry, represented the United Kingdom at that meeting.

In the course of the informal visit, I was able to show my EU colleagues the efforts which the UK Government are making, in partnership with the farming industry, to help put our beef industry on to a sound footing for the future. In particular, my EU Ministerial colleagues were given a comprehensive presentation of the cattle traceability system now being put in place in Great Britain with the aim of assuring consumers, retailers and farmers alike of the safety and reliability of our meat.

Linked to the theme of quality and sustainability of beef production, the information EU Council went on to discuss, on the basis of a UK Presidency paper, the challenges facing EU livestock producers in environmentally fragile areas of the Union, and the measure open to EU governments to assist them. A wide-ranging debate on this important subject gave rise to a number of important policy considerations which will be taken forward in the negotiations on the Commission's Agenda 2000 proposals for agricultural reform.

Pesticides

Mr. Hancock: To ask the Minister of Agriculture, Fisheries and Food what statutory provision currently covers usage of pesticides on land. [41929]

Mr. Rooker: The current statutory controls over the use of pesticides on land in the United Kingdom are:

The Food and Environment Protection Act 1985;

The Pesticides (Fees and Enforcement) Act 1989;

The Control of Pesticides Regulations 1986 (as amended);

The Plant Protection Products Regulations 1995 (as amended); and

The Plant Protection Products (Basic Conditions) Regulations 1997.

In particular, the legislation provides that only pesticides that have been approved by Ministers may be used.

Advice on how users can meet their responsibilities under the legislation is given in the statutory 'Code of Practice for the Safe Use of Pesticides on Farms and Holdings', which is jointly produced by the Ministry of Agriculture, Fisheries and Food and the Health and Safety Executive.

Mr. Hancock: To ask the Minister of Agriculture, Fisheries and Food if he will list the three most commonly used pesticides currently applied to land in the United Kingdom. [41933]

Mr. Rooker: The three most commonly used pesticides applied to land in the United Kingdom in 1997 were:

By spray area (i.e. area of land times number of treatments):

Isoproturon: 3.00 million hectares

Chlormequat: 2.53 million hectares

Cypermethrin: 2.51 million hectares

By weight:

Sulphuric acid: 13,348 tonnes

Isoproturon: 3,312 tonnes

Chlormequat: 2,637 tonnes.

Mr. Hancock: To ask the Minister of Agriculture, Fisheries and Food if he will assess the advantages of introducing separate regulation for food produced from land treated with pesticides; and if he will make a statement. [41936]

Mr. Rooker: Pesticides are used on over 98 per cent. of the agricultural and horticultural land on which food crops are grown. Land on which pesticides are not used and which conforms to other relevant standards can, if not already registered, be registered as organic. We do not see a need for further regulation in this area.

Departmental Vehicles (Fuel)

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food what proportion of his Department's vehicles use *(a)* liquid petroleum gas and *(b)* compressed natural gas. [42067]

Mr. Morley: At present, this Department does not have any vehicles which run on liquid petroleum gas or compressed natural gas.

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food what plans he has to convert his vehicle fleet to *(a)* liquid petroleum gas and *(b)* compressed natural gas. [42068]

Mr. Morley: It would not be a viable option for this Department to convert its existing fleet to liquid petroleum gas or compressed natural gas because the vehicles are predominantly diesel-powered and not readily capable of conversion. But, in future (and as the existing fleet falls due for replacement) consideration will be given to the use of LPG fuelled vehicles where it is appropriate to do so.

Flood Warnings (Northamptonshire)

Ms Keeble: To ask the Minister of Agriculture, Fisheries and Food what arrangements have been made for the issuing of flood warnings in Northamptonshire since March 1996. [42057]

Mr. Morley: I refer my hon. Friend to the reply given to her on 14 May 1998, *Official Report*, column *197*.

Gangmasters

Mr. Todd: To ask the Minister of Agriculture, Fisheries and Food what steps he is taking to regulate the activities of gangmasters; and if he will make a statement. [42583]

Mr. Morley: I will write to my hon. Friend providing the information requested as soon as possible.

BSE

Mr. Gordon Prentice: To ask the Minister of Agriculture, Fisheries and Food what is his current estimate of when the national herd is likely to be free of BSE. [42140]

Mr. Rooker: I refer my hon. Friend to the replies given to him on 6 November 1997, *Official Report*, column *331*, and 28 January 1998, *Official Report*, column *301*.

Sheep Dip

Mr. Llwyd: To ask the Minister of Agriculture, Fisheries and Food if he will list the toxicological data for *(a)* [(i) symmetrical and (ii) unsymmetrical, monothiono TEPP, *(b)* [(x) symmetrical and (y) unsymmetrical,] sulfotep, *(c)* s-ethyl diazinon, *(d)* iso diazinon, *(e)* TEPP, *(f)* z-isopropenyl diazinon, *(g)* diazonon and *(h)* hydroxymethyl diazinon found in sheep dips which has been collated by his Department. [42475]

Mr. Rooker: Data are provided by applicants for marketing authorisations for veterinary medicines and are subject to the confidentiality requirements of section 118 of the Medicines Act 1968 and regulation 14 of the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994.

Mr. Llwyd: To ask the Minister of Agriculture, Fisheries and Food what representations he has received regarding the possible potentiation and synergism effects involving the ingredients which have been included in sheep dips. [42235]

Mr. Rooker: A number of letters on this subject have been received by the Veterinary Medicines Directorate. The direct chemical reaction of mixing phenols and organophosphates was considered as part of the approval process of former sheep dip products. There was no reaction and no change in the composition of the dip.

Mr. Llwyd: To ask the Minister of Agriculture, Fisheries and Food what representations he has received regarding the genetic susceptibility of some breeds of sheep to diazinon. [42221]

Mr. Rooker: I am unaware of any such representations.

Mr. Llwyd: To ask the Minister of Agriculture, Fisheries and Food if he will list the toxicological data for *(a)* hydroxydiazinon and *(b)* thiodiazinon in sheep dips which have been collated by his Department. [42224]

Mr. Rooker: These data have been provided by applicants for marketing authorisations for veterinary medicines and are subject to the confidentiality requirements of section 118 of the Medicines Act 1968 and regulation 14 of the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994.

Mr. Llwyd: To ask the Minister of Agriculture, Fisheries and Food what representations he has received regarding the health effect of phenol and crenyl phosphates. [42218]

Mr. Rooker: A number of letters on this subject have been received by the Veterinary Medicines Directorate. No human suspected adverse reaction to phenol or crenyl phosphates has been reported under the Suspected Adverse Reactions Surveillance Scheme. No currently authorised sheep dip contains phenol or crenyl phosphates.

Mr. Llwyd: To ask the Minister of Agriculture, Fisheries and Food what representations he has received regarding the health risks of phenols in sheep dips. [42220]

Mr. Rooker: A number of letters on this subject have been received by the Veterinary Medicines Directorate. Seven cases of human suspected adverse reactions relating to sheep dips containing phenols have been reported under the Suspected Adverse Reactions Surveillance Scheme. No currently authorised sheep dip contains phenols.

Mr. Llwyd: To ask the Minister of Agriculture, Fisheries and Food what *(a)* general methods and *(b)* toxicological calculations are used to assess the presence of impurities in sheep dips. [42223]

Mr. Rooker: The requirements are set out in Article 5 of Council Directive 81/851/EEC as amended, on the approximation of the laws of the Member States relating to veterinary medicinal products, and to Parts 2 and 3 of the Annex to Council Directive 81/852 as amended, on the approximation of the laws of the Member States relating to analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of veterinary medicinal products.

Mr. Llwyd: To ask the Minister of Agriculture, Fisheries and Food what action he has taken regarding the addition of phenols to surfactants in order to preserve them. [42219]

Mr. Rooker: Data on the constituents of veterinary medicinal products are considered as part of the examination of applications for marketing authorisations in order to satisfy the statutory criteria of safety, quality and efficacy.

Mr. Llwyd: To ask the Minister of Agriculture, Fisheries and Food what monitoring has been undertaken in the past five years to ensure the purity of diazinon at point of sale to farmers; when the monitoring started; and what were the results. [42222]

Mr. Rooker: Manufacturers of veterinary medicinal products must comply with the terms of their marketing authorisations and must carry out the quality checks on their products set down in them. If any purchaser has reason to believe the product purchased is not fit for the purpose, they should contact the local authority Trading Standards Department.

Mr. Llwyd: To ask the Minister of Agriculture, Fisheries and Food what is the chemical formula and structure of the compound G31045 which is a constituent part of organophosphate sheep dips. [42236]

Mr. Rooker: The chemical name for G31045 is 2-isopropyl-4-methyl-6-ethoxy pyrimidine, from which its structure may be deduced.

Correspondence

Mr. Cran: To ask the Minister of Agriculture, Fisheries and Food when he expects to reply to the letter of 19 January from the hon. Member for Beverley and Holderness; and if he will make a statement on the reasons for the delay. [41908]

Mr. Morley *[holding answer 14 May 1998]:* My right hon. Friend the Minister wrote to the hon. Member on 18 May.

DUCHY OF LANCASTER

Information

Mr. Sanders: To ask the Chancellor of the Duchy of Lancaster if his Department operates a monitoring exercise of persistent inquirers for information. [42644]

Dr. David Clark: Yes. Guidance on dealing with voluminous or vexatious correspondence is available to all staff. The guidance emphasises, among other points:

the general commitment to be as open and helpful as possible;

the importance of ensuring that correspondents have indeed been provided with all the information they are entitled to, and have had the appeals procedures fully explained to them, before the correspondence is brought to an end;

that decisions should be in accordance with the Guidance on Interpretation of the Code of Practice on Access to Government Information;

that, if further correspondence received after a "final letter" has been sent raises a new and substantive point, that should be treated as any other correspondence and a substantive response provided.

Information Formatting

Mr. Bennett: To ask the Chancellor of the Duchy of Lancaster when local authorities first contacted the Government asking for details of how information was to be forwarded after the year 2000 and in what format; when the Government will respond to the local authorities; and what co-ordination he is seeking between departments in the format of information. [40432]

Angela Eagle: I have been asked to reply.

I am aware of only one approach from a local authority on this aspect of the Year 2000 issue. Where local authority systems interact with those of other bodies they should agree, through their normal liaison procedures, the format to be followed so that changes made to systems are compatible with one another. However, they should not delay remedial action on their own business critical systems because others are unable to give any firm indication of the changes they are having to make to their own systems.

MINISTER WITHOUT PORTFOLIO

Millennium Dome (Air Conditioning)

Mr. Baker: To ask the Minister without Portfolio if he will meet representatives of *(a)* York UK and *(b)* Combined Power Service Ltd. to discuss air-conditioning systems for the Millennium Dome. [40546]

Mr. Mandelson *[holding answer 7 May 1998]:* The New Millennium Experience Company is responsible for procuring goods and services to the Millennium Dome and it would not therefore be appropriate for me to meet individual companies who have an interest in supplying particular goods, works or services to the Millennium Dome. Combined Heat and Power Services Limited did not respond to the advertisement placed by the New Millennium Experience Company (NMEC) in June 1997 in the Official Journal of the European Communities (OJEC). This advertisement did not specify the type of chiller units required. York International did respond and were subsequently invited by the NMEC to tender against an HFC R134a refrigerant specification but with an option also to submit a tender with an alternative refrigerant. The bid received from York by the NMEC proposed only HFC R134a.

Mr. Baker: To ask the Minister without Portfolio what weight of the gas HFC 134a he expects to be used in the proposed air conditioning system in the Millennium Dome. [40545]

Mr. Mandelson *[holding answer 7 May 1998]:* The New Millennium Experience Company (NMEC) has procured twenty-four chiller units which will supply chilled water to cool air within the Dome. Each unit will have 274kg of HFC R134a hermetically sealed within them.

Millennium Experience (Regional Boards)

Mr. Mitchell: To ask the Minister without Portfolio when he expects that the regional junior boards for the Millennium Experience will be appointed. [38455]

Mr. Mandelson: The New Millennium Experience Company (NMEC) held a consultative meeting last month to discuss how the Company might best establish regional junior boards. Following this meeting, the Company's Education Managers in their English regional offices, and in their offices in Scotland, Wales and Northern Ireland, asked local authorities and youth agencies for nominations. The first regional junior board meetings are now planned for June and July this year.

EDUCATION AND EMPLOYMENT

Assisted Places Scheme

Mr. Ennis: To ask the Secretary of State for Education and Employment how many children living within the local education authority boundaries of *(a)* Barnsley and *(b)* Doncaster currently receive subsidised private education via the assisted places scheme; and how many will do so from 1 September. [42657]

Mr. Byers: Information about the local education authority area from which assisted pupils originate is not collected centrally. There are no schools participating in the assisted places scheme in either the Barnsley or the Doncaster LEA areas.

Departmental Publications

Mr. Burstow: To ask the Secretary of State for Education and Employment how much has been spent in each of the last five years on the *(a)* printing, production and design and *(b)* distribution of his Department's publications for schools. [42700]

Mr. Byers: Total spending on education publicity for the Department is given in financial years. It is not possible to separate out sums spent on publications only or to separate the cost of distribution to schools.

Publications are a basic part of all of the Department's publicity activities but on many occasions will also include some element of other types of media:

Year	£ million
1993–94	10.1
1994–95	9.4
1995–96	5.4
1996–97	6.2
1997–98	[1]4.5

[1] Provisional

In each of the five years, spending on the distribution of publications to a range of audiences including teachers and governors has remained at around £0.8 million.

Child Care

Mr. Healey: To ask the Secretary of State for Education and Employment when the Green Paper on the National Child Care Strategy will be launched. [42893]

Jackie Ballard: To ask the Secretary of State for Education and Employment when he will publish the Government's proposed National Child Care Strategy Consultation. [42706]

Mr. Blunkett: My right hon. Friend the Secretary of State for Social Security and Minister for Women and I are launching our joint Green Paper on the National Child Care Strategy, *Meeting the Childcare Challenge,* today. In developing our proposals, we have been working closely with my right hon. Friend the Secretary of State for Culture, Media and Sport, who has responsibility for Lottery funding, and other colleagues.

The Green Paper sets out how we intend to make a reality of our Manifesto commitment to develop a National Child Care Strategy. It is the first time a Government have taken a coherent and strategic approach to child care. We are backing the Strategy with a substantial investment of public money—over £125 million in England over the coming years—and we are making available £170 million from the Lottery New Opportunities Fund to develop new out of school child care provision.

The Green paper sets out three steps to the Strategy: raising quality, making child care more affordable and making it more accessible. We will achieve this through working in partnership at local level, building on what already exists. Our aim is to ensure good-quality, affordable child care for children aged 0 to 14 in every neighbourhood, including both formal child care and support for informal arrangements.

Our Green Paper sets out the principles of the National Child Care Strategy covering the whole of the UK, but the specific proposals for implementation relate to England. My right hon. Friend the Secretary of State for Scotland is launching a Green Paper on the child care strategy in Scotland today. My right hon. Friends the Secretaries of State for Northern Ireland and for Wales are also planning to consult on the National Child Care Strategy in the near future.

The Green Paper has today been laid before Parliament and copies are available in the Vote Office.

HEALTH

School Nurses

Audrey Wise: To ask the Secretary of State for Health in how many regions there have been *(a)* reductions and *(b)* increases in school nursing services over the last two years. [25025]

Mr. Boateng: The information requested is not collected centrally. The levels of school nursing services are for local commissioners and employers to determine in the light of local needs and priorities.

Cabinet Sub-committee

Mr. Peter Bottomley: To ask the Secretary of State for Health when the Cabinet sub-committee on health was established. [28815]

Mr. Milburn: My right hon. Friend the Prime Minister announced the establishment, composition and terms of reference of the Cabinet Sub-Committee on Health (HS(H)) on 9 June 1997, *Official Report*, columns *302–09.*

Dental Services

Dr. Iddon: To ask the Secretary of State for Health how many dentists in Bolton treated NHS patients in *(a)* 1997, *(b)* 1996, *(c)* 1995, *(d)* 1994 and *(e)* 1993; and how many dentists treated only private patients in each of those years. [41895]

Mr. Milburn: For 31 March 1997, information is available for the Wigan and Bolton Health Authority, and in previous years for the former Wigan and the former Bolton Family Health Services Authorities. This information is shown in the table. These dentists will have varying levels of commitment to the National Health Service. No information is available for the number of dentists treating private patients only.

General dental service: number of dentists[1] in Bolton and Wigan Family Health Services Authorities (FHSA) at 31 March 1993 to 1996 and Wigan and Bolton Health Authority at 31 March 1997

Year	Bolton FHSA	Wigan FHSA	Wigan and Bolton Health Authority
1993	74	87	—
1994	81	95	—
1995[2]	75	87	—
1996[2]	81	95	—
1997[2]	—	—	174

[1] Includes principals, assistants and vocational trainees on health authority lists

[2] The figures for 31 March 1995 onwards may be reduced by the effect of the lengthening of the degree course for dental students. Prior to this newly qualified dentists would appear in March figures each year but from 1995 these dentists graduated later and joined health authority lists after March each year

Mr. Jim Cunningham: To ask the Secretary of State for Health what percentage of elderly people are liable to pay patient charges for dental treatment; and how much revenue is raised annually through dental charges to those of pensionable age *(a)* in Coventry and *(b)* in England. [42478]

Mr. Milburn: About 80 per cent. of people aged 65 and over are liable to pay full or partial charges for National Health Service dental treatment. It is estimated that some

£65 million in patient charge revenue was raised in England from patients aged 65 and over in 1997–98. This estimate is based on a sample of patient claims for April 1998. Corresponding information is not available for Coventry.

Mr. Jim Cunningham: To ask the Secretary of State for Health how many people in *(a)* the West Midlands and *(b)* Coventry are registered with a dental practice. [42476]

Mr. Milburn: The table sets out figures for the number of patients registered with a General Dental Service dentist in the National Health Service Executive West Midlands Regional Office area and in Coventry Health Authority at 31 March 1998.

General Dental Service: number of patients registered in the NHS Executive West Midlands Regional Office area, and Coventry Health Authority at 31 March 1998

	Adults	*Children*
West Midlands	1,930,423	723,700
Coventry	119,680	42,326

Mr. Jim Cunningham: To ask the Secretary of State for Health if he will restore the re-registration period for dental services to 24 months. [42477]

Mr. Milburn: We have no plans to review this policy, which will improve value for money by focusing payments to dentists on those patients receiving active care from them.

From 1 April, £10 million of the resources released has been targeted at young children in poorer areas, adults requiring full dentures and to encourage dentists to provide continuing care to their patients including emergency treatment.

Asthma

Mrs. Brinton: To ask the Secretary of State for Health if he will include a national target for the reduction of childhood asthma in the Government's public health strategy, Our Healthier Nation. [29968]

Ms Jowell: The Green Paper *Our Healthier Nation* sets out our proposals for a new health strategy for England. These proposals went out for consultation until 30 April. A White Paper, taking account of the results of the consultation, will follow in the autumn.

Our Healthier Nation recognises that asthma is a serious health problem. Although it is not proposed for a national target it heads the Green Paper's list of possible candidates for local targets.

Renal Services (North West)

Mr. Hoyle: To ask the Secretary of State for Health (1) what assessment he has made of the mortality rates among renal patients in Chorley and South Ribble Health District relative to those in other health districts in the North West Region; [42049]

(2) what assessment he has made of the adequacy of renal dialysis provision at Chorley and South Ribble General Hospital; [42050]

(3) what assessment he has made of the adequacy of funding for the provision of renal services in each of the health districts in the North West Region; and what plans he has to review this provision. [42051]

Mr. Milburn: The Office for National Statistics is being commissioned to produce statistics of trends or comparisons in mortality rates in renal patients between South Lancashire and other districts. Copies of the report will be placed in the Library.

An assessment of renal services has recently been carried out. Further work, to include an assessment of resources, is currently in progress. At local level, South Lancashire Health Authority has run a population-based model as part of its analysis of health need to inform the Lancashire Renal Strategy. It has been agreed that the first step should be to enhance satellite dialysis facilities at Preston to cover the catchment populations of Fylde, Longridge, Chorley and South Ribble and Preston itself.

Chorley and South Ribble District General Hospital does not provide renal dialysis. The service is provided mainly from the Royal Preston Hospital, although some patients are dialysed at Manchester hospitals or in the satellite unit at Accrington, depending on the availability of places.

Drugs Treatment

Mr. Flynn: To ask the Secretary of State for Health how many users of *(a)* cannabis, *(b)* ecstasy and *(c)* heroin are in contact with drugs treatment services. [41617]

Ms Jowell: The National Health Service regional drug misuse databases collect data on people presenting to services with a drug problem in England and Wales, either for the first time or after a gap of 6 months or more. Data for England are collated centrally by the Department, including details of the main drug and any other drugs of misuse (a maximum of five can be recorded). The most recent statistics published for England are given in the Department's Statistical Bulletin "Drug Misuse Statistics for the six months ending September 1996". Information for this period is given in the table.

Use of cannabis, ecstasy and heroin as main or subsidiary drug by users starting agency episodes in the period 1 April to 30 September 1996, England

Drug of misuse	*Main drug*	*Subsidiary drug*	*Total*
Cannabis	1,533	4,784	6,317
Ecstasy	268	1,165	1,433
Heroin	14,334	2,065	16,399

Note:

A user may report using more than one drug; for example, heroin may be reported as the main drug and cannabis and/or ecstasy reported as the subsidiary drugs

Our 10 year strategy for tackling drug misuse, Tackling Drugs to Build a Better Britain, aims to ensure that all problem drug misusers have access to support from appropriate services when needed and to increase the proportion of problem drug misusers in contact with drug treatment services.

Hospital Waiting Lists

Mr. Burstow: To ask the Secretary of State for Health, pursuant to his answer of 31 July 1997, *Official Report*, columns *608–10*, concerning waiting lists, if he will supply the equivalent information for 1998–99. [42707]

Mr. Milburn: The information requested is not routinely available centrally.

Mr. Simon Hughes: To ask the Secretary of State for Health if he will list, by hospital, the regional fast track information on waiting lists and waiting times for *(a)* inpatients and *(b)* day cases, for (i) January, (ii) February and (iii) March. [41881]

Mr. Milburn *[holding answer 14 May 1998]:* Waiting list and waiting time information is collected centrally on a quarterly basis direct from health authorities and trusts and shows the position at the end of the quarter. Provisional information showing the position on 31 March 1998, aggregated by region, will be published on 21 May 1998. Final validated figures, on a health authority and trust basis, will be published a few weeks later. The final figures will show ordinary cases and day cases separately.

Blood Products

Mr. Maples: To ask the Secretary of State for Health what estimate he has made of the likely effect of the decision to source manufactured blood products from non-United Kingdom plasma on the number of blood donors in the United Kingdom. [42863]

Mr. Boateng: The decision to source blood products from non-United Kingdom plasma related to manufactured blood products only and has no impact on the blood used in transfusions. The decision does not mean that we need less blood—on the contrary, we need more than ever in order to support increasing hospital activity.

We hope and expect that blood donors will understand that their gift remains vital to the work of the National Health Service, and that they will continue to support the NHS and help to save lives as they have done in the past.

Mr. Maples: To ask the Secretary of State for Health (1) if he *(a)* sought and *(b)* received the advice of the National Blood Authority before taking the decision to source manufactured blood products from non-United Kingdom plasma; [42861]

(2) what steps he will take to ensure that imported plasma is safe; and what estimate he has made of the risk that it is not; [42858]

(3) what estimate the National Blood Authority has made of the probability of death resulting from *(a)* hepatitis and *(b)* HIV/Aids as a result of sourcing blood products from non-United Kingdom plasma; [42856]

(4) if he will publish the full text of the report of the Committee on the Safety of Medicines on which his decision to source manufactured blood products from non-United Kingdom plasma was based; [42859]

(5) what is the Committee on the Safety of Medicines estimate of the probability of contracting new variant CJD from blood products; [42857]

(6) if he will make a statement on the role of the National Blood Authority in his decision to source blood products from non-United Kingdom plasma. [42860]

Mr. Boateng: The decision to source blood products from non-United Kingdom plasma follows the advice of the Committee on Safety of Medicines (CSM), which the Department, acting with the Scottish, Welsh and Northern Ireland Offices, has accepted.

The CSM, in consultation with its expert group on new variant Creutzfeldt-Jakob Disease, undertook a risk assessment of individual plasma derived medicinal products. This assessment took into account the therapeutic benefit of the products, details of the manufacturing process, the theoretical risk of transmission, the quality and availability of alternative supplies and the blood product supply situation. In the course of that assessment, the CSM took evidence from the two UK blood product manufacturers, the Bio Products Laboratory (which is part of the National Blood Service) and the Protein Fractionation Centre (its Scottish equivalent).

The CSM's advice was that, although there is no evidence to indicate that nvCJD can be transmitted via blood products and the risk therefore remains hypothetical, it cannot be fully discounted. Therefore, as a purely precautionary measure, blood products should not be sourced from UK plasma for the time being. The full text of their advice is appended to the Department's press release of 13 May, copies of which are in the Library.

We would not accept non-UK plasma which was considered unsafe. The imported plasma will come only from centres approved by the UK Medicines Control Agency. Only when the inspectors are assured that the stringent safety standards applied to the new sources of plasma are equivalent to those currently available in the UK will plasma be imported.

Clinicians currently do not have to use Bio Products Laboratory or Protein Fractionation Centre products, but can use the licensed product of their choice. As a result, many of the licensed blood products already on the UK market are made from non-UK plasma and they have a high quality and safety record.

Information

Mr. Sanders: To ask the Secretary of State for Health if his Department operates a monitoring exercise of persistent inquirers for information. [42634]

Ms Jowell: No.

Nut Allergy (Paramedic Training)

Mr. Webb: To ask the Secretary of State for Health what training is given to paramedics employed by NHS ambulance trusts in dealing with individuals suffering from allergic reactions to nuts; and if he will make a statement. [42479]

Mr. Milburn: The Institute of Health and Care Development is responsible for the standards of training for ambulance personnel, including paramedics. All paramedics in the United Kingdom are trained in the emergency treatment of anaphylaxis, and I understand that the equipment needed for such treatment is standard on all front line ambulances.

Tobacco Industry

Dr. Gibson: To ask the Secretary of State for Health what assessment he has made of reports that the tobacco industry (i) recruited scientists from political and scientific committees, (ii) withheld scientific reports and (iii) corrupted data on the health effects of smoking. [42771]

Ms Jowell: I read with interest and concern reports such as those referred to by my hon. Friend.

Public Appointments

Jackie Ballard: To ask the Secretary of State for Health when his Department's action plan for increasing the number of women holding public appointments will be published; and if he will place a copy in the Library. [42828]

Mr. Milburn: The Department's action plan will be published shortly. Copies will be placed in the Library.

SOCIAL SECURITY

Incomes (London)

Ms Buck: To ask the Secretary of State for Social Security what percentage of households in each *(a)* borough and *(b)* constituency in London was (i) on income support and (ii) paying tax at the higher rate in 1996–97. [41361]

Mr. Keith Bradley: The Benefits Agency does not collect information related to tax payments. This is a matter for the Inland Revenue. The administration of Income Support is a matter for Peter Mathison, Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Ms Karen Buck, dated 18 May 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking what percentage of households in each (a) borough and (b) constituency in London was (i) on Income Support (IS) and (ii) paying tax at the higher rate in 1996–97.

I am unable to comment on tax payments as this is a matter for the Inland Revenue. The benefits information is not available in the format requested as the Benefits Agency (BA) collates statistics for benefit recipients within each BA District. The number of benefit recipients may not equate to the number of households as several customers may share the same address. BA Districts do not correspond to constituency or borough boundaries. The information which is available is contained in the attached table.

I hope that this is helpful.

IS live load

BA district	*May 1996*	*August 1996*	*November 1996*[1]	*February 1997*
Leaside	67,652	68,195	43,783	44,057
City East	34,400	33,211	22,511	22,061
Hackney and Islington	62,864	64,260	38,720	38,484
Lea Roding	60,197	60,711	39,626	39,194
Newham	49,086	49,570	33,153	32,652
Barnet	35,496	35,576	24,824	24,784
Neasden	47,909	47,559	30,129	29,854
Ealing	60,686	58,642	41,429	40,935
Euston	79,310	79,381	51,734	50,984
Harrow	34,545	35,477	25,340	25,226
Palace	67,374	68,472	41,588	41,233
London Central	12,668	10,574	8,191	8,078
South West Thames	57,248	54,783	35,642	35,143
Bankside	26,113	26,551	16,632	16,654
North Kent	55,185	54,902	36,426	36,280
Thameside	46,127	46,131	30,461	30,249
South Circular	59,608	63,366	36,419	36,194
Surrey	40,163	37,363	29,496	29,126
Total (London)	896,631	894,724	586,109	581,728

[1] JSA was introduced in October 1996

Notes:

1. This information has been supplied by the BA Central Data Unit, is provisional and may be subject to change
2. The figures quoted relate to the number of benefit recipients at a given point in time for each quarter in 1996–97
3. The number of recipients may not equate to the number of households as several benefit recipients may share the same address

Benefit Overpayments

Mrs. Ann Cryer: To ask the Secretary of State for Social Security if her Department will use its information technology network to co-ordinate payments made by different branches of her Department and its agencies in order to avoid overpayments of benefit. [42045]

Mr. Keith Bradley: The Department continues to exploit the opportunities provided by information technology to deliver significant improvements to the accuracy of its payment mechanisms. In launching the Active Modern Service programme, the Department reiterated its commitment to ensuring that people with a genuine claim to benefit receive their correct entitlement, paid at the correct time and for the correct amount.

The programme of work currently under way incorporates the development and design of integrated Information Technology Systems to allow speedier access to information held across the Department.

The structure of future customer records will be around individual customers, as opposed to the benefits they claim. This will provide a complete picture of the customers dealings with the Department and reduce the scope for fraud, inaccuracy and inconsistency. Each individual customer record will contain details of payments made and moneys owed.

Rigorous financial controls of each individual transaction will enable better accounting and speedier action to recover debt.

Reduced Earnings Allowance

Mr. Alasdair Morgan: To ask the Secretary of State for Social Security what external legal advice she has taken concerning the compliance of the reduced earnings allowance with European law in relation to discrimination on the basis of gender. [42123]

Mr. Denham: The question of whether the Reduced Earnings Allowance provisions comply with European Community law on grounds of gender is currently being

litigated before the Social Security Commissioner who has referred five cases to the European Court of Justice for a ruling. We have obtained external advice but it is not the normal practice to reveal the terms of legal advice received. We maintain that the Reduced Earnings Allowance provisions are in accordance with our obligations under Community law.

Child Benefit

Mr. Rendel: To ask the Secretary of State for Social Security how much it would cost to double child benefit for all children under five years old based on a doubling of the current figure for *(a)* the eldest qualifying child and *(b)* each other child. [42704]

Mr. Keith Bradley: It is estimated that the costs in 1998/99 of doubling the Child Benefit rate for the eldest qualifying child for all children under 5 would be in the region of £670 million and of doubling the Child Benefit rate for each other child under 5 would be in the region of £680 million.

The total costs of doubling current Child Benefit Rates for children under 5 would be in the region of £1.35 billion.

Notes:

1. Estimates are rounded to the nearest £10 million.
2. Estimate assumes current the differential between Couples Higher Rate Child Benefit and Child Benefit (Lone Parent) is retained.

Source:

1. Child Benefit and Income Support statistics.
2. Family Resources Survey.

Mr. Rendel: To ask the Secretary of State for Social Security what estimates she has made of the receipts generated by removing the child benefit premium for the eldest child. [42705]

Mr. Keith Bradley: It is estimated that the total savings in 1998/99 from abolishing the child benefit rate for the eldest child would be in the region of £590 million.

Notes:

1. Estimates are rounded to the nearest £10 million.
2. Estimate assumes the current differential between Couples Higher Rate Child Benefit and Child Benefit (Lone Parent) is retained.

Source:

1. Child Benefit and Income Support statistics.
2. Family Resources Survey.

Information

Mr. Sanders: To ask the Secretary of State for Social Security if her Department operates a monitoring exercise of persistent inquirers for information. [42638]

Mr. Field: The Department does not operate a monitoring exercise of persistent inquirers for information.

Vaccine Damage Payments

Ms Walley: To ask the Secretary of State for Social Security if she will make a statement on progress on vaccine damage payments. [40615]

Mr. Denham: We are considering the Vaccine Damage Payment Scheme, as part of the overall review of welfare which includes disability benefits, in consultation with the Department of Health. While this is on-going it is right that we should increase the payments to new claimants. A proposal will be placed before the House to increase the current payment of £30,000 by £10,000 to £40,000, as soon as possible.

Housing Benefit

Mr. Cousins: To ask the Secretary of State for Social Security if she will list the change in the expenditure on housing benefit accounted for by *(a)* growth in the number of claimants and *(b)* growth in the size of weekly benefit since 1992 on a United Kingdom basis and on the basis of each region and nation. [41476]

Mr. Keith Bradley: *[holding answer 12 May 1998]:* The available information is set out in the table.

Estimated growth in Housing Benefit (HB) in Great Britain between 1992–93 and 1996–97

£ million

Government office regions	*HB expenditure 1992–93 (cash terms)*	*Growth in HB expenditure (cash terms) between 1992–93 and 1996–97*	*Amount of growth attributable to caseload increases*	*Amount of growth attributable to increases to the average amount of benefit paid*
Eastern	575	255	88	166
East Midlands	412	187	49	138
London	1,746	895	383	512
Merseyside	214	383	178	204
North East	466	104	−73	177
North West	673	179	−36	215
South East	829	493	202	290
South West	562	262	112	150
West Midlands	735	151	−71	222
Yorkshire & Humberside	538	320	101	219
England	6,749	3,227	933	2,295
Scotland	774	240	25	215
Wales	378	155	46	108
Great Britain	7,901	3,622	1,004	2,618

Note:

Totals may not sum due to rounding to nearest £1 million.

Sources:

1. Housing Benefit Management Information System 1 per cent. samples.
2. Departmental Reports.

PUBLIC ACCOUNTS COMMISSION

National Audit Office

Mr. Lansley: To ask the Chairman of the Public Accounts Commission if he will estimate the additional funding required to extend NAO access to the accounts and internal accounting documents of private limited companies. [41931]

Mr. Sheldon: The Comptroller and Auditor General does not have a guaranteed right of access to the relevant records of private bodies providing public services under contract. Where access is not provided for in the relevant contracts, the Comptroller and Auditor General may be unable to check that public funds have been used as Parliament intended and with due concern for regularity and value for money. The Chairman of the Public Accounts Committee and I have therefore recommended to the Government that the Comptroller and Auditor General should have a guaranteed right of access to contractors' records. The purpose would be to enable the Comptroller and Auditor General to audit the accounts from which the contractor is paid or pays in revenue, not to audit the contractors themselves.

Where the Comptroller and Auditor General does have access to contractors, he exercises this right only in the relatively few cases where he is unable to obtain sufficient assurance from other sources about the occurrence, propriety or value for money of the payments to, or receipts from, contractors. The resource implications of arrangements to guarantee access rights would depend on the additional extent to which such rights needed to be exercised. It would be for Parliament to decide what additional resources to provide to meet any needs identified by the Comptroller and Auditor General.

FOREIGN AND COMMONWEALTH AFFAIRS

Sierra Leone

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what meetings were held between Government representatives and Sandline during the period of exile of President Kabbah of Sierra Leone; who was present at such meetings; where and when they were held; what was their purpose; and what was discussed at them; [41799]

(2) pursuant to the oral statement of 12 March 1998, *Official Report*, column 844, on what basis he concluded that the article which appeared in *The Observer* on 8 March was ill-informed; [41810]

(3) on what grounds Her Majesty's Government recommended Sandline International to President Kabbah; [41970]

(4) what the timescale will be for the independent investigation of arms sales to Sierra Leone; if it will be carried out in public; and if its terms of reference will allow all interested parties to give evidence; [41971]

(5) if the United Kingdom High Commissioner to Sierra Leone visited the premises of Sandline International in the month before the counter coup in Sierra Leone; [41963]

(6) if the United Kingdom High Commissioner to Sierra Leone received full details of the arrangements, including the military equipment to be provided, together with a copy of Sandline International's strategic and tactical plan, for Sandline International's operations in Sierra Leone; and to whom this information was communicated in his Department, and when. [41962]

Mr. Blunt: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) which official authorised the request for an inquiry by HM Customs and Excise into Lord Avebury's allegations concerning arms sales to Sierra Leone; [42100]

(2) how many times Lieutenant Colonel Spicer is recorded as having telephoned the Foreign and Commonwealth Office's Africa Department (Equatorial) between 25 May 1997 and 24 April 1998; and on what dates; [42689]

(3) on what date the Permanent Under Secretary was informed of Sandline International's allegation of his Department's officials' complicity in arms exports to Sierra Leone; and what form the information took. [42694]

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the submissions or briefing notes on the situation in Sierra Leone which his Private Office received between 2 May 1997 and 4 May 1998, stating their dates. [42085]

Sir John Stanley: To ask the Secretary of State for Foreign and Commonwealth Affairs on what dates meetings between Sandline personnel and staff of the British High Commission in Sierra Leone took place. [42059]

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the occasions on which his special representative to Sierra Leone, Mr. John Flynn, met representatives of Sandline International in *(a)* London and *(b)* Sierra Leone since 9 January. [42286]

Mr. Gale: To ask the Secretary of State for Foreign and Commonwealth Affairs if his Inquiry into the supply of arms to Sierra Leone will be held in public. [42262]

Mr. Robin Cook: I refer to my statement in the House during the debate on 18 May 1998, *Official Report*, columns *604–11*, in which I announced the investigation by Sir Thomas Legg KCB QC into allegations about Government involvement with the supply of arms to Sierra Leone by UK citizens and firms, and said that the Terms of Reference would be placed in the Library of the House. I intend to publish the report of the investigation.

Sir Alastair Goodlad: To ask the Secretary of State for Foreign and Commonwealth Affairs if the inquiry he announced on 6 May concerning Sierra Leone will cover the role of Ministers and civil servants in the Department for International Development. [41937]

Mr. Robin Cook: The investigation I announced on 18 May will cover all Government Departments which Sir T. Legg considers relevant.

Mr. Peter Bottomley: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his oral answer of 6 May 1998, *Official Report*, column 727, if he will make a further statement on ministerial policy towards Sierra Leone. [41978]

Mr. Robin Cook *[holding answer 14 May 1998]:* I refer to my statement in the House during the debate on 18 May 1998, *Official Report*, columns 604–11.

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) on what date his Permanent Secretary was first informed of the policy of the United Kingdom that the Government of Sierra Leone should be restored by military force; [41827]

(2) on what date the intelligence summaries in the Red Book first informed him of the policy of the United Kingdom Government that the Government of Sierra Leone should be restored by force; [41825]

(3) on what date officials and Ministers from his Department first consulted the US State Department, Department of Defense and the Central Intelligence Agency concerning the policy of the United Kingdom that the Government of Sierra Leone should be restored by military force. [41828]

Mr. Robin Cook: This Government have consistently supported the peaceful restoration of the legitimate government of Sierra Leone.

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the relationship between his Department's ethical code in respect of arms sales and arms sales to Sierra Leone. [41829]

Mr. Robin Cook *[holding answer 14 May 1998]:* The criteria I have announced for use by the FCO when considering export applications for the export of conventional arms specify that a licence should be refused if approval would be inconsistent with the UK's commitment to enforce UN arms embargoes. No such application has been received in respect of Sierra Leone.

Mr. Soames: To ask the Secretary of State for Foreign and Commonwealth Affairs on what day *(a)* his officials or *(b)* his Private Office first gave him papers relating to potential operations by Sandline or others in Sierra Leone; and on what date he acknowledged them. [41961]

Mr. Robin Cook *[holding answer 14 May 1998]:* The first paper I saw was the letter shown to me on the evening of 28 April.

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs at what time and on what date he first saw the letter addressed to him from S J Berwin & Co. on behalf of Sandline International dated 24 April. [42132]

Mr. Robin Cook: The evening of 28 April.

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) on what date he first consulted the Prime Minister and the Cabinet Office concerning the UK Government's decision to assist Sandline International to help restore the Government of Sierra Leone; [41831]

(2) on what date the Director General of GCHQ was first informed of the role to be played by Sandline International in restoring the Government of Sierra Leone. [41826]

Mr. Robin Cook: At no stage was it our policy to assist Sandline International to help restore the government of Sierra Leone.

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) if he will make a statement on the basis of Mr. John Flynn's appointment as his special representative to Sierra Leone; [42281]

(2) what are the terms of reference of Mr. John Flynn's appointment as his special representative to Sierra Leone. [42282]

Mr. Robin Cook: Mr. Flynn was appointed as my Special Representative to focus international attention on Sierra Leone and to coordinate international support for the restoration of the democratically-elected government.

Mr. Charles Clarke: To ask the Secretary of State for Foreign and Commonwealth Affairs if Sir Thomas Legg, when conducting the investigation announced on 18 May, will have access to all official documents which mention Sandline and the supply of military equipment. [43089]

Mr. Robin Cook: As I made clear in my statement on 18 May 1998, *Official Report*, columns 601–11, Sir Thomas Legg will be able to see all documents which refer to Sandline, and consider whether they were properly acted upon. These will include intelligence reports. We are aware of five intelligence reports, received between 8 October 1997, when UNSCR 1132 was adopted, and 10 March 1998 when Lord Avebury's letter of 5 February was passed to Customs, which refer to Sandline, or companies associated with Sandline, and to the supply of arms or military equipment. They were seen by officials but not by Ministers.

Edgar Fernandes

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the circumstances of Edgar Fernandes's death; and what representations he has made to the Turkish authorities on this matter. [42105]

Mr. Fatchett: A body was found on 10 April by the Bosphorus in Istanbul. On 8 May, Turkish police showed a photograph of the body to a relative of Edgar Fernandes who provisionally identified it. The relative subsequently saw the body and confirmed on 12 May that the body was that of Edgar Fernandes. We do not yet have details of the circumstances of Mr. Fernandes's death. An early unofficial police statement referred to a blow to the back of the head. We are now awaiting the autopsy report from the Turkish authorities. We continue to press the Turkish police to investigate the death of Mr. Fernandes thoroughly.

Gibraltar

Mr. Cash: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the number of military confrontations which have occurred between the Royal Navy or Royal Gibraltar Police and the Spanish sea-borne Civil Guard since 1 May 1997. [42156]

Mr. Doug Henderson: There have been no incidents during this period involving the Royal Navy or Royal Gibraltar Police and marine units of the Spanish Civil Guard. However, the Royal Navy was involved in two incidents in British waters around Gibraltar, on 22 October 1997 and 5 April 1998, involving incursions by Spanish naval patrol vessels. The Royal Gibraltar Police and the Royal Navy were involved in three incidents, on 5 July 1997 and on 13 March and 4 April 1998, involving incursions by vessels of the Spanish coastguard service.

Mr. Cash: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the military confrontation on 6 April off Gibraltar. [42157]

Mr. Doug Henderson: There was no incident on 6 April. However, on 5 April, a Spanish naval patrol vessel was observed moving within British waters off Gibraltar. When the Spanish vessel failed to respond to calls, HMS Nottingham, which was approaching Gibraltar at the time, requested her to leave. The Spanish vessel was escorted out of British waters by a patrol craft of the Gibraltar Squadron. Our Ambassador in Madrid later protested to the Spanish Ministry of Foreign Affairs over this incident.

Kashmir

Ms Moran: To ask the Secretary of State for Foreign and Commonwealth Affairs what action he intends to take to promote peace and reconciliation in Kashmir. [42155]

Mr. Fatchett: We have made clear, most recently, during my right hon. Friend the Foreign Secretary's reply to my hon. Friend the Member for Ealing, Southall (Mr. Khabra), on 14 May 1998, *Official Report*, column 527, that a solution to the problem of Kashmir is primarily for India and Pakistan to find. That problem has been compounded by the nuclear tests in India last week. It is all the more important now for India and Pakistan to continue their dialogue on all issues outstanding between them, including Kashmir. Both Governments are aware that we stand ready to help if called upon to do so.

Consultation Papers

Mr. Gordon Prentice: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the consultation papers published since 1 May 1997 giving the date of publication, closing date for submissions and the number of respondents. [42243]

Mr. Tony Lloyd: Although the Foreign and Commonwealth Office has frequent contacts with non-governmental organisations and individuals on policy issues, no formal consultation papers have been published for public comment since 1 May 1997.

Intelligence Gathering

Mrs. Ann Cryer: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to the EU report, "Assessing the Technologies of Political Control", what guidelines govern the intelligence-gathering operations of the United States National Security Agency in the United Kingdom in respect of other EU countries. [42044]

Mr. Robin Cook *[holding answer 18 May 1998]:* The report to which my hon. Friend refers, although commissioned by the European Parliament, is in no way endorsed by them. We do not comment on the intelligence operations of the UK or of its allies.

Sarno, Italy

Mr. Edwards: To ask the Secretary of State for Foreign and Commonwealth Affairs what contribution Her Majesty's Government are making to disaster relief in Sarno, Italy. [42772]

Mr. Doug Henderson: My right hon. Friend the Prime Minister has offered assistance should any be required. No request has been received.

War Crimes Tribunal

Mr. Blunt: To ask the Secretary of State for Foreign and Commonwealth Affairs how much additional money the Government have made available to the War Crimes Tribunal in The Hague since 1 May 1997. [41284]

Mr. Tony Lloyd: Since May 1997, the Government have made voluntary contributions of £296,000 for the construction of a new courtroom, and £1.198 million to the Tribunal's 1998 Exhumations Fund, in addition to payments of assessed contributions totalling £2.025 million.

Indonesia

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs when the delivery of British Aerospace Hawk 200 light multi-role fighters to Indonesia will commence. [41448]

Mr. Spellar: I have been asked to reply.

The current contract to supply Hawk 200 light multi-role fighter aircraft to Indonesia was agreed between British Aerospace and the Government of Indonesia in February 1996. I understand from British Aerospace that the delivery programme for aircraft supplied under this contract is a matter which is confidential between British Aerospace and the Government of Indonesia. The information is therefore being withheld under exemption 13 of the Code of Practice on Access to Government Information.

Written Answers to Questions

Wednesday 20 May 1998

ENVIRONMENT, TRANSPORT AND THE REGIONS

Consultation Papers

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the consultation papers published since 1 May 1997 giving the date of publication, closing date for submissions and the number of respondents. [42245]

Angela Eagle: I have today placed details of the consultation papers published by my Department since 1 May 1997 in the Library of the House.

Motor Cycles

Mr. McWalter: To ask the Secretary of State for the Environment, Transport and the Regions (1) what plans he has to establish a Motorcycling Strategy Group as part of the Integrated Transport Policy; [42314]

(2) what assessment he has made of the role for powered two-wheel vehicles in an Integrated Transport Policy; [42315]

(3) what assessment he has made of the contribution to *(a)* traffic congestion, *(b)* optimum land use and *(c)* pollution, which would be made by promoting use of powered two-wheel vehicles. [42325]

Ms Glenda Jackson *[holding answer 18 May 1998]:* In developing our transport strategy we have had regard to all the implications of the use of motorcycles. Our conclusions will be published in the forthcoming Integrated Transport Strategy White Paper.

Mr. McWalter: To ask the Secretary of State for the Environment, Transport and the Regions if he will encourage *(a)* powered two-wheel vehicle usage in employers' Green Commuter Plans as part of the Integrated Transport Policy and *(b)* parking schemes which encourage commuters to use two-wheeled vehicles rather than four-wheeled ones. [42327]

Ms Glenda Jackson: We are developing our transport policy for the Integrated Transport Strategy White Paper but Government guidance already recommends that local authorities should bear in mind the needs of motorcyclists when planning and designing on-street parking places. We will, when there is a suitable legislative opportunity, be taking forward measures that will make it easier for highway authorities to provide secure parking.

Mr. McWalter: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the relative environmental impact of powered two-wheel vehicles over other motorised transport. [42328]

Ms Glenda Jackson: Section 2 of Transport Statistics Great Britain 1997 sets out details of the energy consumption and pollutant emissions of various forms of transport. In particular, Table 2.9 shows the relative emissions of various pollutants for different vehicles in urban conditions.

Farms (Health and Safety)

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions how many children under the age of 16 have been killed on farms in each year since 1990 as a result of an accident arising from agricultural work. [42609]

Angela Eagle: The numbers of fatalities to children aged under 16 in agriculture (i) are shown below:

Year	*Fatal*
1990–91	6
1991–92	2
1992–93	8
1993–94	3
1994–95	2
1995–96	3
1996–97	8
1997–98[1]	5
Total	37

[1] Provisional

Notes:

1. For the years 1990–91 to 1994–95 agriculture is defined by Standard Industrial Classification 1980 code '0100' Agriculture and Horticulture, and for 1995–96 to 1997–98 by Standard Industrial Classification 1992 code '0' Agriculture, Forestry, Fishing Hunting and related services
2. Data include injuries to children aged 1 to 15
3. Years commencing 1 April

Mr. Todd: To ask the Secretary of State for the Environment, Transport and the Regions how many accidents on farms there were in *(a)* 1995, *(b)* 1996 and *(c)* 1997; and how many (i) were fatal and (ii) involved children. [42582]

Angela Eagle: The numbers of injuries in Agriculture[1] are shown in the table:

Year	*Total number of injuries*	*Number of fatalities*	*Fatalities involving children*
1995–96	1,953	45	3
1996–97	2,548	64	8
1997–98[2]	2,373	48	5

[1] Agriculture is defined by Standard Industrial Classification 1992 code '0' Agriculture, Hunting, Forestry and Fishing

[2] Provisional

Notes:

1. Data include injuries to children aged 1 to 15
2. Years commencing 1 April
3. 1996–97 and 1997–98 injury figures, excluding fatalities, cannot be directly compared with those of previous years which were reported under different regulations

Mr. Pickthall: To ask the Secretary of State for the Environment, Transport and the Regions what measures he is taking to improve health and safety on farms. [42789]

Angela Eagle: The Government are actively promoting improved health and safety in agriculture by informing the industry of hazards and the practical steps to reduce the levels of risk. Most of this work is undertaken by the Health and Safety Executive and includes:

targeted enforcement action and inspection 'blitzes';

the 'Good Health is Good Business Campaign';

attendance at agricultural shows to publicise hazards and provide advice on reducing risks;

the production of guidance material, much of which is free; and

working through intermediaries, such as the Transport and General Workers Union and the National Farmers Union.

Mr. Pickthall: To ask the Secretary of State for the Environment, Transport and the Regions how many fatal accidents there were involving tractors and how many of those involved children in the last 12 months for which records are available. [42773]

Angela Eagle: During the period 1 April 1997 to 31 March 1998 provisional figures for fatal accidents involving tractors in agriculture show that 6 fatalities were reported to HSE. Of these, 2 were to children, neither of whom were directly involved in operating the tractors.

Mr. Pickthall: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with the TGWU rural workers section on improving health and safety records on farms. [42790]

Angela Eagle: I last met the Transport and General Workers Union Rural and Allied Workers section to discuss health and safety in October 1997.

Environment Council

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions how many environmental appraisals were produced by the European Commission to accompany proposals presented to the EU Environment Council on 23 March. [42666]

Mr. Meacher: There were no presentations of new proposals at the EU Environment Council in March. However, all proposals for legislation are accompanied by an explanatory memorandum which sets out, amongst other things, the environmental justification for the proposal.

"Policy Guidance on Policy Appraisal and the Environment"

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions how many copies of "Policy Guidance on Policy Appraisal and the Environment" have been printed. [42658]

Mr. Meacher: 11,000 copies of "Policy Guidance on Policy Appraisal and the Environment" (April 1998) have been printed.

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions how many copies of "Policy Guidance on Policy Appraisal and the Environment" have been requested by each Government department. [42659]

Mr. Meacher: The number of copies of "Policy Guidance on Policy Appraisal and the Environment" which have been requested by Government Departments is as follows:

Department	*Copies*
Cabinet Office	125
Customs and Excise	20
Department for Education and Employment	150
Department for International Development	10
Department of Health	150
Department for Culture, Media and Sport	15
Department of Trade and Industry	1,000
Department of Social Security	100
Forestry Commission	125
Foreign and Commonwealth Office	10
Home Office	100
Inland Revenue	20
Lord Chancellor's Department	12
Law Offices	10
Ministry of Agriculture, Fisheries and Food	700
Ministry of Defence	200
Northern Ireland Office	1,500
Scottish Office	250
HM Treasury	400
Welsh Office	270

This totals 5,167 copies. In addition, approximately 3,100 were distributed within DETR, its Executive Agencies, NDPBs and advisory bodies.

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish a command paper listing, by Department, the environmental appraisals which have been produced in accordance with "Policy Guidance on Policy Appraisal and the Environment". [42661]

Mr. Meacher: Arrangements for ensuring that environmental appraisals are undertaken in appropriate cases are primarily a matter for individual Departments. We shall, however, be considering systems for collective monitoring by Green Ministers in the light of the publication of Policy Guidance on Policy Appraisal and the Environment on 2 April.

Road Humps (Ambulances)

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what evaluation his Department has made of the medical effects of road humps on patients being transported by ambulance. [42698]

Ms Glenda Jackson *[holding answer 19 May 1998]:* No evaluation of the medical effects has been carried out. However, in developing published advice for the design of road humps, my Department ensured that passenger discomfort was evaluated. My Department has produced a Code of Practice, agreed with the Ambulance Policy Advisory Group, for consulting on proposals to introduce traffic calming measures, and for agreeing the means of implementing those proposals.

Driving Test Centre (Torbay and South Devon)

Mr. Sanders: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a

statement about the future of the driving test examination centre serving Torbay and South Devon. [42628]

Ms Glenda Jackson *[holding answer 19 May 1998]:* The Driving Standards Agency is required to vacate the driving test centre in Newton Abbott this August. The Agency is searching for suitable alternative premises.

Biotechnology

Mr. Curry: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the meetings which he has held to discuss biotechnology with (i) Greenpeace, (ii) Green Alliance, (iii) the Genetics Forum, (iv) Friends of the Earth, (v) Gene Watch, (vi) the Genetic Engineering Network, (vii) the Soil Association, (viii) the Consumers Association, (ix) Monsanto, (x) Zeneca and (xi) AgrEvo. [42774]

Angela Eagle: The Secretary of State for the Environment, Transport and the Regions has not had any meetings to discuss biotechnology with any of the companies or organisations specified. The Minister for the Environment has however had meetings with Greenpeace, Green Alliance, Friends of the Earth, Gene Watch, the Soil Association and the Consumers Association, to discuss biotechnology.

Fly Tipping

Mr. Laurence Robertson: To ask the Secretary of State for the Environment, Transport and the Regions if he will review the legislation governing fly tipping. [42490]

Angela Eagle: The Environment Agency has made clear its commitment to taking firm enforcement action on fly-tipping and we have no plans to review the already stringent controls. The main controls and the maximum penalties for contravention of those controls are set out in the following table:

Maximum penalties for offences relating to waste

Offence	*Magistrates' court*	*Crown court*
Section 33(1)(a), (b) or (c) of the Environmental Protection Act 1990		
Unlawful deposit, recovery, disposal etc. of non-special waste	Imprisonment for 6 months and/or a fine of £20,000	Imprisonment for 2 years and/or an unlimited fine
Sections 33(1)(a), (b) or (c) of the Environmental Protection Act 1990		
Unlawful deposit, recovery, disposal etc. of special waste	Imprisonment for 6 months and/or a fine of £20,000	Imprisonment for 5 years and/or an unlimited fine
Section 34(6) of the Environment Protection Act 1990		
Breach of the duty of care or Regulations on retention etc. of documents	A fine not exceeding the statutory maximum	An unlimited fine
Section 1(1) Control of Pollution (Amendment) Act 1989		
Unlawful transportation of waste	A fine not exceeding level 5 on the standard scale	n/a
Special Waste Regulations 1996		
Unlawful movement or handling of special waste	A fine not exceeding level 5 on the standard scale	Imprisonment for 2 years and/or an unlimited fine
Waste Management Licensing Regulations 1994; Regulation 20(5)		
Failure to register as a waste broker	A fine not exceeding level 5 on the standard scale	n/a
Waste Management Licensing Regulations 1994; Paragraph 12 Schedule 4		
Failure to register as a collector, transporter, dealer or broker of waste	A fine not exceeding level 2 on the standard scale	n/a

LORD CHANCELLOR'S DEPARTMENT

Legal Aid Board

Mr. Garnier: To ask the Parliamentary Secretary, Lord Chancellor's Department what is his estimate of the total value of legal charges standing to the benefit of the Legal Aid Board, and of the notional or actual interest earned on that total, for the last five years for which figures are available. [41897]

Mr. Hoon: It is not possible to give an estimate of the total value of charges, because in a significant minority of cases the amount is unquantified. Nor is it possible to give notional or actual figures for interest. No records are available of notional interest, and it is not possible to say how much interest will have accrued by the time each debt is paid off.

All information shown is taken from Note 10 to the annual accounts of the Legal Aid Board for each of the last five years. Interest accrued to the given date is recorded here.

£000

Date	*Total value of quantified charges*	*Of which, interest bearing*	*Interest accrued as at 31/3 of date shown*[1]	*Interest recovered as at 31/3 of date shown*[2]
1996–97	185,906	113,668	30,623	2,946
1995–96	170,516	98,790	23,987	2,124
1994–95	146,846	78,882	17,587	1,532
1993–94	128,872	62,132	12,517	1,085
1992–93	107,261	43,678	7,573	600

[1] Interest received is paid back into the Fund for the benefit of public expenditure

[2] These are voluntary repayments

The following sets out cases where the Legal Aid Board has not yet received all the information necessary to quantify the charge.

£000

Date	Number of cases	Number of unquantified cases
1996–97	101	16
1995–96	99	17
1994–95	92	17
1993–94	86	17
1992–93	78	16

Serious Fraud Trials

Angela Smith: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will set out his plans for a review of transfer and committal procedures in serious fraud trials. [43178]

Mr. Hoon: The Lord Chancellor has directed his Department to carry out a Review of pre-trial procedures in serious fraud trials. The purpose of this review will be to conduct a detailed examination of trial procedures in these cases, from the decision to commit or transfer a case to the Crown Court right up to the commencement of the jury trial. The review will assess the extent of current compliance with existing rules and procedures, evaluating their effectiveness and considering whether changes to procedure and case management could aid the delivery of justice in serious fraud cases. The review will involve wide consultation with all bodies involved in serious fraud cases.

The Terms of Reference of the review are as follows:

"To evaluate the existing procedures which follow a decision to commit or transfer for trial in serious fraud cases, in particular compliance with the rules concerning committal or transfer and preparatory hearings:

To determine whether these procedures, when fully complied with, are the optimal mechanism for case management, or if they should be modified in any way:

To assess whether more fundamental changes to such procedures could provide more effective delivery of justice in serious fraud cases; and

To outline and consider any such changes".

The review will commence in May 1998. It is intended that provisional conclusions will be reported to the Lord Chancellor by September of this year.

HOUSE OF COMMONS

Standing Committees (Hansard)

Mr. Rowlands: To ask the President of the Council if she will list the occasions since 1968 on which Standing Committee proceedings have not been reported by *Hansard* in their entirety. [42375]

Mrs. Ann Taylor: There have been no occasions.

MINISTER WITHOUT PORTFOLIO

Millennium Experience

Mr. Öpik: To ask the Minister without Portfolio if he will make a statement on the role of people aged 16 to 25 years in the millennium experience. [40812]

Mr. Mandelson: The Millennium Experience, incorporating the Dome and the national Challenge programme of events and activities around the country, will appeal to people of all ages, interests and backgrounds. There will be a number of opportunities available to young people. The project will create training and employment opportunities for people aged 16 to 15, both in terms of the Millennium Dome's operation and its central attraction, which will require performers with a range of skills. Education will also be central to the Experience as a whole, but particularly important in the context of the national Challenge initiative. The Company's regional Education Managers are working with local Further Education colleges to design courses linked to the Millennium Experience.

Millennium Dome

Mr. Baker: To ask the Minister without Portfolio if he will list the steps being taken to minimise release to the atmosphere of the gas HFC 134a from the proposed air-conditioning system within the Millennium Dome; and what weight of gas he expects will be released for each year of operation of the Dome. [40553]

Mr. Mandelson *[holding answer 7 May 1998]:* I refer the hon. Member to the answer I gave him on 17 March 1998, *Official Report*, column *602*. The chiller units procured by the New Millennium Experience Company (NMEC) are hermetically sealed and have been designed to be leak-free in operation.

Mr. Baker: To ask the Minister without Portfolio what assessment was made of the air-conditioning systems used by *(a)* the National Portrait Gallery and *(b)* the National Trust before deciding which system to use in the Millennium Dome. [40548]

Mr. Mandelson *[holding answer 7 May 1998]:* The New Millennium Experience Company (NMEC) took advice from its professional consultants about the design of cooling systems and a wide variety of solutions were considered. The Company put this contract out to tender according to European public procurement requirements, and did not specify in the advertisement either the type of chiller unit or the choice of refrigerant. The Company concluded in the light of tenders received that, given the unique requirements of the Dome, which have no existing direct equivalent, the chiller units selected offer the safest and most flexible solution in the time available.

Mr. Baker: To ask the Minister without Portfolio what instructions he has given to the New Millennium Experience Company regarding the type of air-conditioning to be used in the Millennium Dome. [40547]

Mr. Mandelson *[holding answer 7 May 1998]:* I refer the hon. Member to the replies I gave him on 26 March 1998, *Official Report*, column *247* and 6 April 1998, *Official Report*, column *77*.

Mr. Baker: To ask the Minister without Portfolio if the Living Island within the Millennium Dome will provide information in respect of climate change. [40544]

Mr. Mandelson *[holding answer 7 May 1998]:* Yes. The Living Island zone will explore the nature of mankind's relationship with the natural environment and examine the environmental challenges that face the world locally, nationally and globally. The New Millennium Experience Company is working with environmental non-governmental organisations in developing the zone's content.

DUCHY OF LANCASTER

Civil Service Pensions

Mr. Viggers: To ask the Chancellor of the Duchy of Lancaster what assessment he has made of the arrangements for providing information about changes in Civil Service pensions to the pensioners concerned; what representations he has received on this matter; and what plans he has to change these procedures. [42278]

Dr. David Clark: Information provided to Civil Service pensioners is compliant with the requirements of The Occupational Pension Schemes (Disclosure of Information) Regulations 1996. I am aware that a number of pensioners were regrettably notified late of their increased rate of pension payable from April following the annual uprating exercise. Difficulties encountered by a contractor to Paymaster (1836) Ltd, the paying agent, resulted in a failure to ensure timely notification in all cases. Payment of the pension at the revised rate was, however, made to all pensioners on the due date.

Public Appointments

Jackie Ballard: To ask the Chancellor of the Duchy of Lancaster when his Department's action plan for increasing the number of women holding public appointments will be published; and if he will place a copy in the Library. [42822]

Dr. David Clark: My Department's action plan will be published shortly. Copies will be placed in the Libraries of the House.

Public Appointments List

Mrs. Lait: To ask the Chancellor of the Duchy of Lancaster (1) what is the number of staff (whole time equivalent) working on the Public Appointments List; [42623]

(2) what was the total cost to public funds of the collection of names, maintenance and updating of responses, and circulating to departments of responses to their requests for names, for the Public Appointments List in the last available year. [42619]

Dr. David Clark: The Public Appointments Unit has one part-time and six full-time members of staff, whose duties include the maintenance of the Central List, and the provision of names from that List in response to specific requests from departments. In 1997–98, the cost of the Unit was £142,200.

Public Bodies

Jackie Ballard: To ask the Chancellor of the Duchy of Lancaster (1) what is the average attendance fee of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department; [42821]

(2) what is the average salary of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department. [42820]

Dr. David Clark: The majority of board members of non-departmental public bodies give their time and services voluntarily and receive no payment other than normal travel and subsistence expenses. Where members do receive remuneration, this can vary between an annual salary, an honorarium or an attendance fee (which itself can be a daily rate or a half-daily rate, calculated on a per meeting basis). Individuals' remuneration therefore is not directly comparable. Full details of all payments to board members of non-departmental public bodies by gender, are given in the Cabinet Office publication "Public Bodies". Copies of "Public Bodies 1997" are available in the libraries of the House.

Crown Copyright

Mr. Steinberg: To ask the Chancellor of the Duchy of Lancaster what response he has received to the consultation exercise he held on the Government's green paper, Crown Copyright in the Information Age. [43280]

Dr. David Clark: I am pleased to say that the consultation exercise on the Government's Green Paper *Crown Copyright in the Information Age,* received a good response with 70 replies drawn from a wide range of individuals and organisations. Many of the respondents praised the Green Paper for the clear and comprehensive way in which it covered the issues and options.

I am today placing in the Libraries of the House a list of those who responded together with copies of their responses received (except where the authors requested anonymity). A paper copy of the set of responses is available from HMSO, within the Cabinet Office.

The consultation exercise has been extremely valuable in identifying the requirements of the public and the information industry regarding access to government information. It also raised a number of issues which are linked to the Government's Freedom of Information initiative. I am now considering the main points arising from the consultation and how we will need to take account of them in developing an appropriate framework for accessing and disseminating official information.

The breakdown of responses by user type is as follows:

User type	*Quantity*	*Percentage of total*
A. Private individuals	5	7
B. Business users	16	23
C. Media	3	4
D. Academic and library community	9	13
E. Legal	8	11
F. Public bodies	7	10
G. Trade and professional bodies	17	25
H. Private individuals with specialist knowledge	5	7

PRIME MINISTER

OSCE (UK Delegation)

Mr. Hutton: To ask the Prime Minister what changes he has made to the composition of the United Kingdom delegation to the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe. [43181]

The Prime Minister: Due to her Ministerial appointment Baroness Ramsay of Cartvale has resigned as a member of the United Kingdom delegation to the Parliamentary Assembly of the OSCE.

I have appointed Baroness Hilton of Eggardon as a replacement representative from the Government benches.

Parliamentary Questions

Mr. Malcolm Bruce: To ask the Prime Minister for what reasons he has not yet replied to the question from the hon. Member for Gordon on No. 10 Downing Street staff costs, tabled on 27 April (40221); and if he will make a statement. [42891]

The Prime Minister: A reply will be issued shortly.

Engagements

Sir Peter Tapsell: To ask the Prime Minister if he will list his official engagements for Wednesday 20 May. [42395]

The Prime Minister: This morning I had meetings with Ministerial colleagues and others. In addition to my duties in the House I shall have further such meetings later today. And later today I will be visiting Northern Ireland to assist efforts in bringing about a decisive "yes" vote in Friday's referendum, which I believe to be the only result that can offer peace and stability in the future.

EDUCATION AND EMPLOYMENT

School Targets

Mr. Sutcliffe: To ask the Secretary of State for Education and Employment if he will announce the requirements for school-level target setting from September 1998. [43104]

Mr. Byers: School based target-setting for pupil performance will be introduced in September 1998 for all maintained schools, including special schools, with a requirement for two targets for 11 year olds, in English and Mathematics at Key Stage 2, and three targets for 16 year olds at GCSE (or GNVQ equivalent) level. We are clear that this process should support school improvement and should not become a burdensome administrative procedure.

All maintained schools (including special schools) with pupils at the appropriate ages will be required to set the following targets from September 1998:

Key Stage 2: % of pupils attaining level 4 or above in English

Key Stage 2: % of pupils attaining level 4 or above in mathematics

Key Stage 4: % of pupils attaining 5 or more GCSEs or equivalent at grades A*-C

Key Stage 4: % of pupils attaining 1 or more GCSEs or equivalent at grades A*-G

Key Stage 4: Average GCSE (or equivalent) points score per pupil.

Targets should be set each Autumn and should relate to those pupils who will take the National Curriculum tests or GCSE examinations or equivalent in the following school year, i.e. five terms later.

The regulatory framework will be laid before Parliament shortly. Schools should receive details of the requirement via a circular in the summer term.

Education Action Zones

Ms Rosie Winterton: To ask the Secretary of State for Education and Employment if he will announce details of the applications to set up education action zones. [43281]

Mr. Byers: A total of 60 applications have been received. The areas covered are:

Region	*Area*	*Total*
West Midlands	Aston, Birmingham	
	Hodge Hill, Birmingham	
	Hereford, Herefordshire	
	Sandwell	
	Solihull	
	Stoke-on-Trent	
	Walsall	
	Wolverhampton	8
South West	Lands End, Cornwall	
	Camborne, Cornwall	
	Weston Super Mare, Somerset	
	Plymouth	
	Bridgwater, Somerset	
	S. E. Wiltshire	6
East Midlands	N. E. Derbyshire	
	Leicester city	
	Gainsborough, Lincs	
	Corby, Northants	
	Nottingham	5
South East	Brighton and Hove	
	Aylesbury, Bucks	
	St. Leonards, E. Sussex	
	N. Guildford	4
North East	Middlesbrough	
	Newcastle-upon-Tyne	
	Redcar and Cleveland	
	South Shields, S. Tyneside	
	Sunderland	5
North West	Blackburn	
	Bolton	
	Barrow-in-Furness, Cumbria	
	S. Manchester	
	Wythenshawe, Manchester	
	E. Manchester	
	Salford/Trafford	
	Tameside	
	Wigan	
	Liverpool	10
East	Basildon, Essex	
	Luton	
	Thetford, Norfolk	3

Region	Area	Total
Yorkshire and the Humber	Royston, near Barnsley	
	N. and E. Barnsley	
	Manningham, Bradford	
	S. E. Bradford	
	Halifax	
	Kingston-upon-Hull	
	Leeds	
	Grimsby	
	Sheffield	9
Inner London	Hackney	
	Hammersmith and Fulham	
	Lambeth	
	Lewisham	
	Southwark	
Outer London	Barking and Dagenham	
	N. Croydon	
	New Addington (Croydon)	
	Haringey	
	Newham	10

School Budgets

Mr. Dorrell: To ask the Secretary of State for Education and Employment if he will publish a list of aggregated schools budgets for 1998–99 by local education authority. [37761]

Mr. Byers: The following table gives the information requested as a listing of local education authorities in England for 1998–99. The figures are derived from the budget statements produced by the local education authorities under section 122 of the 1996 Education Act.

Aggregated schools budget

England—1998–99 (provisional figures)	£000
City of London	658
Camden	51,934
Greenwich	85,900
Hackney	62,450
Hammersmith and Fulham	38,022
Islington	58,960
Kensington and Chelsea	25,292
Lambeth	49,288
Lewisham	81,984
Southwark	65,726
Tower Hamlets	86,720
Wandsworth	47,406
Westminster	43,932
Barking/Dagenham	58,978
Barnet	73,241
Bexley	63,821
Brent	48,976
Bromley	41,116
Croydon	74,029
Ealing	69,052
Enfield	82,059
Haringey	70,675
Harrow	58,962
Havering	66,874
Hillingdon	41,565
Hounslow	71,225
Kingston	29,433
Merton	46,347
Newham	89,123
Redbridge	79,079
Richmond	41,034
Sutton	39,235

Aggregated schools budget

England—1998–99 (provisional figures)	£000
Waltham Forest	70,832
Birmingham	338,420
Coventry	101,954
Dudley	83,298
Sandwell	96,236
Solihull	68,075
Walsall	71,928
Wolverhampton	72,543
Knowsley	56,250
Liverpool	149,121
St. Helens	56,602
Sefton	90,525
Wirral	97,538
Bolton	77,285
Bury	49,869
Manchester	138,513
Oldham	80,807
Rochdale	56,997
Salford	67,742
Stockport	76,948
Tameside	60,799
Trafford	46,763
Wigan	98,226
Barnsley	57,268
Doncaster	95,039
Rotherham	82,652
Sheffield	127,823
Bradford	141,116
Calderdale	39,423
Kirklees	110,189
Leeds	222,290
Wakefield	88,468
Gateshead	55,591
Newcastle	76,977
North Tyneside	57,482
South Tyneside	46,062
Sunderland	93,463
Isles of Scilly	872
Bath and North East Somerset	46,432
Bristol	103,745
North Somerset	52,321
South Gloucestershire	73,497
Hartlepool	29,124
Middlesbrough	45,532
Redcar and Cleveland	47,386
Stockton on Tees	59,885
Hull	78,681
East Riding	90,715
North East Lincolnshire	53,745
North Lincolnshire	46,511
North Yorkshire	166,577
York	45,662
Bedfordshire	102,333
Luton	47,728
Buckinghamshire	115,424
Milton Keynes	48,527
Derbyshire	161,463
Derby City	48,595
Dorset	89,119
Poole	23,989
Bournemouth	27,842
Durham	144,424
Darlington	27,228
East Sussex	124,341
Brighton and Hove	57,859
Hampshire	299,740
Portsmouth	47,889
Southampton	59,675
Leicestershire	166,088
Leicester City	91,714
Rutland	4,010

Aggregated schools budget

	£000
England—1998–99 (provisional figures)	
Staffordshire	225,248
Stoke-on-Trent	66,345
Wiltshire	74,784
Swindon	40,076
Bracknell Forest	29,329
Windsor and Maidenhead	35,144
West Berkshire	36,867
Reading	23,978
Slough	23,720
Wokingham	45,171
Cambridgeshire	105,589
Peterborough	37,525
Cheshire	199,603
Halton	40,904
Warrington	59,038
Devon	161,186
Plymouth	74,266
Torbay	31,903
Essex	212,747
Southend-on-Sea	26,296
Thurrock	28,654
Herefordshire	42,049
Worcestershire	133,945
Kent	270,191
Medway Towns	64,418
Lancashire	316,358
Blackburn with Darwen	43,203
Blackpool	35,741
Nottinghamshire	225,158
Nottingham City	72,231
Shropshire	70,308
Telford and Wrekin	37,955
Cornwall	126,340
Cumbria	112,415
Gloucestershire	92,539
Hertfordshire	270,356
Isle of Wight	37,132
Lincolnshire	122,965
Norfolk	183,873
Northamptonshire	159,466
Northumberland	91,981
Oxfordshire	152,760
Somerset	125,401
Suffolk	192,304
Surrey	208,275
Warwickshire	123,878
West Sussex	201,515
England	12,963,313

New Deal

Mr. Pond: To ask the Secretary of State for Education and Employment if any young person will be disqualified from receipt of benefit solely for refusing to take up the proposed New Deal option of serving in the Armed Forces. [42136]

Mr. Andrew Smith: There is no separate New Deal "option" of serving in the Armed Forces. That said, one of the opportunities which the New Deal for 18–24 year olds is able to offer to unemployed young people is the chance to consider a possible career in the Armed Forces. No one will face benefit sanctions solely for choosing not to do so. Employment Service guidelines make clear that entry to the Armed Forces must be voluntary.

Cheltenham and Gloucester HE College

Mr. Laurence Robertson: To ask the Secretary of State for Education and Employment when Cheltenham and Gloucester College of Higher Education will be formally awarded university status. [42488]

Dr. Howells: Cheltenham and Gloucester College of Higher Education has not yet applied for university status. The Government have agreed with the recommendation of the National Committee of Inquiry into Higher Education that there should be no immediate change to the current criteria for university status. Under these criteria an institution should normally have a track record of satisfactorily maintaining degree standards for at least three years following the award of taught and research degree awarding powers. Cheltenham and Gloucester College of Higher Education obtained taught course degree awarding powers in 1992 and research degree awarding powers in February 1998.

SCOTLAND

NHS Trusts and Health Boards

Mr. Moore: To ask the Secretary of State for Scotland if he will state for each NHS trust and health board the *(a)* names, *(b)* dates of appointment and *(c)* party affiliations of the non-executive directors who have (i) been appointed since 1 May 1997 and (ii) resigned since 1 May 1997. [37796]

Mr. Galbraith *[holding answer 6 April 1998]:* As the information is rather lengthy, I have arranged to have a copy placed in the House Library.

Small Business Loans Scheme

Mr. Alasdair Morgan: To ask the Secretary of State for Scotland if he will make a statement about the future of the Small Business Loans Scheme. [40645]

Mr. Wilson *[holding answer 12 May 1998]:* The Small Business Loan Scheme was introduced by the Scottish Enterprise network in 1994, with the aim of trying to encourage small businesses, when utilising banking facilities to finance investment, to place greater reliance on term loans and less on overdrafts. Having been introduced on a pilot basis, the scheme was discontinued last year after an independent evaluation concluded that the scheme had not sufficiently met its objectives.

Mr. Alasdair Morgan: To ask the Secretary of State for Scotland what plans he has to extend the Small Business Loans Scheme to the tourism sector. [40646]

Mr. Wilson *[holding answer 12 May 1998]:* The Small Business Loan Scheme has been discontinued. My right hon. Friend has no plans to extend it to the tourism sector.

Prawn and Scallop Fishing

Mrs. Ray Michie: To ask the Secretary of State for Scotland what progress has been made towards introducing a weekend ban on prawn and scallop fishing off the west coast of Scotland; what measures are being taken to preserve stocks; and if he will make a statement. [41640]

Mr. Macdonald *[holding answer 19 May 1998]:* The Government are keen to ensure that the scallop fishery continues to be conducted on a sustainable basis. With this in mind, a range of possible options for scallop conservation are being looked at. Conservation measures for the west coast prawn (nephrops) stock are already in place in the form of a total allowable catch set on the basis of independent scientific advice from the Advisory Committee on Fishery Management. The Scottish Fishermen's Federation and the Clyde Fishermen's Association have urged the Government not to introduce any sea-time restrictions on the nephrops fleet and we have no plans at present to do so.

Breast Cancer

Mr. Moore: To ask the Secretary of State for Scotland how many women in Scotland waited over *(a)* one month, *(b)* three months, *(c)* six months and *(d)* 12 months for breast cancer treatment in the year ended 31 March (i) 1996, (ii) 1997 and (iii) 1998. [41721]

Mr. Galbraith *[holding answer 12 May 1998]:* The precise information requested is hot held centrally since the waiting times data collected nationally do not explicitly identify patients waiting for breast cancer treatment. Information is collected nationally on the number of women who were admitted to hospital from the waiting list with a breast cancer-related diagnosis and who were later discharged following medical or surgical treatment. The relevant information for the years ending 31 March 1996 and 1997 and the latest available for the year ending 31 March 1998 is set out in the table.

	Year ending 31 March		
Patients waited	*1996*	*1997*	*1998*[1]
Over one month	390	357	283
Over three months	14	13	11
Over six months	9	5	2
Over twelve months	3	2	0

[1] Data for year ending 31 March 1998 provisional.
Source:
SMR1, ISD Scotland

Leukaemia

Mr. Alasdair Morgan: To ask the Secretary of State for Scotland how many leukaemias were *(a)* observed and *(b)* expected in the 0–24 age group in the postcode sector DG7.3 (Castle Douglas) in the periods (i) 1990 to 1994 and (ii) 1995 to the present time; and if he will make a statement on the incidence of leukaemia in Castle Douglas relative to the rest of Scotland. [42135]

Mr. Galbraith: No cases of leukaemia were observed in the 0–24 age group in postcode sector DG7.3 during the periods 1990–94 or 1995–96 (the most recent year for which information is available). For postcode sector DG7.3, based on background rates in Scotland as a whole, the expected numbers of cases of leukaemia in this age group, by period of diagnosis are shown in the following table:

Observed and expected numbers of cases of leukaemia in age group 0–24 years in DG7.3 in the periods 1990–94 and 1995–96

Time period	*Observed number of cases*	*Expected number of cases*
1990–94	0	0.19
1995–96	0	0.06

Euro (Teaching Materials)

Mr. Denzil Davies: To ask the Secretary of State for Scotland what steps he is taking to monitor the content of teaching and information materials about the Euro currency funded by the European Commission supplied to schools in Scotland and to ensure its compliance with the terms of the Education Act 1996. [42681]

Mr. Wilson: The provisions of the Education Act 1996 do not apply in Scotland where education authorities and headteachers are responsible for the delivery and management of the curriculum. Guidance is, however, offered by the SOEID and this guidance provides adequate opportunity for issues relating to the Euro currency to be included in the curriculum.

In the National Guidelines on Environmental Studies, 5–14, the European Union is a fairly common topic to select for study under the heading of People and Society. There is opportunity in the Modern Studies Standard Grade to cover currency questions relating to the European Union. This is also an option at Higher Grade and there are National Certificates that concentrate on Europe. Finally, under the Higher Still arrangements materials are being developed which will be sent to schools later this year. These also provide opportunity for covering issues relating to the European Union.

In addition, the Scottish Consultative Council on the Curriculum have produced a Handbook entitled "Thinking European" which provides ideas for integrating a European dimension into the curriculum.

Forestry Commission Land (Hunting)

Mr. Key: To ask the Secretary of State for Scotland when the agreement was signed between the Forestry Commission and the Masters of Foxhounds Association incorporating standard terms and conditions for hunting with hounds on Forestry Commission land. [41887]

Mr. Macdonald *[holding answer 18 May 1998]:* Although the Forestry Commission and the Masters of Foxhounds Association agreed the terms and conditions for licences to hunt foxes on Commission land earlier this year, the formal agreement has not yet been signed.

New Deal

Mr. Moore: To ask the Secretary of State for Scotland if he will list *(a)* by Employment Service region and *(b)* in total (i) the number of personal advisers in post to administer the New Deal programme and (ii) the number of New Deal applicants expected in 1998–99; and if he

will calculate by Employment Service region the ratio of expected New Deal applicants to personal advisers, indicating the average for Scotland. [42149]

Mr. Wilson *[holding answer 18 May 1998]:* The information for those eligible for the 18–24 programme by New Deal Units of Delivery within Scotland is tabulated. The planning assumption is that New Deal Personal Advisers will have an average caseload during Gateway of 33 clients with sufficient time being available to allow advisers to visit a further 12 clients a month who are on one of the 4 options.

Scotland: New Deal for 18–24 year olds

Unit of delivery	*Number of personal advisers allocated*	*Projected new deal client group 1998–99*[1]
Ayrshire	18.91	2,749
Borders	1.36	303
Dunbartonshire	8.02	1,483
Dumfries and Galloway	4.71	790
Fife	13.49	2,261
Forth Valley	10.66	1,788
Glasgow	39.5	6,083
Grampian	6.34	1,210
Lanarkshire	24.03	3,981
Edinburgh East and Midlothian	16.3	2,965
West Lothian	3.06	750
Renfrewshire	10.18	1,893
Tayside	19.83	2,517
Argyll and The Islands	1.84	313
Caithness and Sutherland	1.3	193
Inverness and Nairn	2.45	437
Lochaber	0.48	94
Moray, Badenoch and Strathspey	1.61	378
Orkney	0.23	58
Ross and Cromarty	1.51	307
Shetland	0.2	57
Skye and Lochalsh	0.92	65
Western Isles	0.77	152
Scotland	187.7	30,827

[1] Indicative assumptions based on current unemployment levels. These are not forecasts of the actual numbers who will participate but they do help to ensure that adequate resources are in place to meet potential demand

Note:

The ratio of expected applicants to Personal Advisers is a largely meaningless statistic because due to the rolling nature of the programme, it does not indicate the number of young people a Personal Adviser would be required to deal with at any one time

Sites of Special Scientific Interest

Mr. Randall: To ask the Secretary of State for Scotland how many sites of special scientific interest there were in Scotland on 31 March; and what was their total area in hectares. [42443]

Mr. Macdonald: At 31 March 1998, there were 1,441 Sites of Special Scientific Interest in Scotland, covering 917,071 hectares in total.

Women Offenders

Mr. Dalyell: To ask the Secretary of State for Scotland when he expects to receive the Fairweather/Skinner report on "Women in Jail"; and if he will make a statement. [42124]

Mr. McLeish: I refer my hon. Friend to the answer I gave to my hon. Friend the Member for Kilmarnock and Loudoun (Mr. Browne) on 13 May 1998, *Official Report*, column *131*. The high level steering group which will be set up to direct the work of the inter-agency project on women's offending in the Glasgow area will be chaired by Professor Sheila McLean of Glasgow University.

Child Care Qualifications

Mr. Wallace: To ask the Secretary of State for Scotland if Lord Cullen's recommendation for the development of a Scottish vocational qualification in respect of work with children has now been fully implemented; and if he will make a statement. [42419]

Mr. Dewar: A considerable amount of ground work has been undertaken by The Scottish Office in considering Lord Cullen's recommendation on a suitable qualification. Scottish Vocational Qualifications (SVQs) are work-based qualifications derived from national occupational standards. The then SCOTVEC (now part of the Scottish Qualifications Authority) was therefore unable to develop an SVQ prior to the development of standards by appropriate lead bodies (the relevant National Training Organisations for the various sectors involved in work with children and young people). An SVQ, however, might not in any case be the most suitable approach to training for a sector with a high incidence of volunteers. To date, priority has been given to consideration of Recommendation 27 in Lord Cullen's report for the accreditation and vetting of adults working with children and young people, the outcome of which could have a significant bearing on the training and qualifications requirements. A consultation paper on various options for training will be issued shortly.

NORTHERN IRELAND

Guardsmen Fisher and Wright

Mr. Dalyell: To ask the Secretary of State for Northern Ireland what recent representations she has received from the Scots Guards Association and Mr. Charles Turnock on behalf of the Commandos Old Comrades Association on the conduct of the trial of Guardsmen Fisher and Wright. [37144]

Mr. Ingram *[holding answer 8 April 1998]:* My right hon. Friend the Secretary of State has received a number of representations from members of the Scots Guards Association, and Mr. Charles Turnock, about the conduct of the trial of Guardsmen Fisher and Wright. However, questions as to what evidence to call were issues for the prosecution and defence to consider, and for the trial judge to decide.

Firearms

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland if a resident of Great Britain may join a rifle or pistol club in Northern Ireland; if such a person

may apply to have a firearms certificate in Northern Ireland on the basis of his firearm being kept in a rifle club premises with approved security facilities; and if she will make a statement. [40757]

Mr. Ingram: A resident of Great Britain may apply to join any firearms club in Northern Ireland. Membership is a matter for individual clubs to decide.

The firearms legislation provides that residents of Great Britain can apply to the Chief Constable of the Royal Ulster Constabulary for a Northern Ireland firearm certificate. When considering such applications the Chief Constable must satisfy himself that the normal legislative criteria for the grant of a certificate are met. These criteria comprise matters of suitability, good reason and public safety, including arrangements for the secure storage of firearms.

Mr. John D. Taylor: To ask the Secretary of State for Northern Ireland what steps a member of a licensed gun club in Northern Ireland wishing to carry his licensed firearm through other parts of the United Kingdom to compete abroad in competitions would be required to take; and if she will make a statement about the movement of licensed firearms for sporting competitions. [41142]

Mr. Ingram: Under the Firearms (Northern Ireland) Order 1981 (Amendment) Regulations 1992, which implemented the requirements of EU Directive No. 91/447/EEC (on the control of the acquisition and possession of weapons) a resident of Northern Ireland wishing to take his legally held firearm to a EU country must first obtain a European Firearms Pass from the Chief Constable of the RUC. Persons travelling to a non-EU country should write in advance to the country of destination to ensure they satisfy the licensing requirements of that country.

In Great Britain target pistols are prohibited weapons and as such their possession requires specific authority from either the Home Secretary or the Secretary of State for Scotland as appropriate under section 5 of the Firearms Act 1968. I understand that such authority would not normally be granted to private individuals, including those who wished simply to travel through Great Britain. In the absence of an authority, target pistols would be expected to be transported by carriers holding the appropriate authority under section 5 of the 1968 Act.

Prisoner Releases

Mr. William Ross: To ask the Secretary of State for Northern Ireland when she expects the first release of prisoners under the terms of the Belfast Agreement. [41126]

Mr. Ingram: My right hon. Friend the Secretary of State for Northern Ireland referred to those parts of the Belfast Agreement relating to prisoners in her statement to the House of 20 April 1998, *Official Report*, columns 479–482, and placed a document containing further details in the Library. If the Agreement is endorsed by the referendums to be held on 22 May, the Government said that they would seek to enact the appropriate legislation by the end of June. The timing of the first releases under the scheme will therefore depend on when the legislation is enacted, the procedures adopted by the review body once appointed and whether the necessary conditions for accelerated release are fulfilled.

Mr. William Ross: To ask the Secretary of State for Northern Ireland, pursuant to her answer of 6 May 1998, *Official Report*, columns *412–13*, on prisoners, if she will list or estimate for the 781 prisoners in custody who had been convicted of scheduled offences, how many had no connection with terrorism; of those how many will be eligible for release in *(a)* 1998, *(b)* 1999, *(c)* 2000, *(d)* 2001, *(e)* 2002 and *(f)* in the following five year period; and how many of those in each year are serving life or other indeterminate sentences. [41715]

Mr. Ingram: I refer the hon. Gentleman to the answer I gave him on 6 May 1998, *Official Report*, columns *412–13*, which indicated that details provided on prisoners convicted of scheduled offences may include offences unconnected with terrorism. Data on the number of prisoners convicted of scheduled offences who had no connection with terrorism are not centrally recorded and can be provided only at disproportionate cost.

Mr. William Ross: To ask the Secretary of State for Northern Ireland, pursuant to her answer of 6 May 1998, *Official Report*, columns *412–13*, on prisoners, if she will list for each of the years from 1998 to 2002 and for the following five years by the categories shown the average number of years served at the expected date of release. [41716]

Mr. Ingram: The average number of years served at the expected date of release would be as follows:

Year	*UDA/UFF*	*UVF*	*LVF*	*PIRA*	*INLA*
1998	3 years 1 month	3 years 8 months	—	7 years 4 months	4 years 6 months
1999	4 years 9 months	4 years 6 months	2 years	7 years 8 months	4 years 6 months
2000	6 years 8 months	6 years 2 months	3 years 6 months	7 years 8 months	8 years
2001	7 years 6 months	7 years 5 months	6 years 9 months	9 years 6 months	4 years 6 months
2002	6 years 10 months	8 years 5 months	7 years 8 months	9 years 9 months	—
2003	—	7 years	—	10 years 6 months	—
2004	—	—	—	12 years 3 months	12 years 6 months
2005	12 years 6 months	—	—	11 years 8 months	13 months
2006	—	—	—	12 years	—
2007	—	—	—	15 years	—

Note:

The data in the table relate to those persons convicted of scheduled offences and sentenced to three years or more who were in custody in Maze on 26 January 1998. The complete record was not available for a small number of prisoners when the research on which this table is based was carried out and so the table does not include data on average years served for that small group.

Mr. William Ross: To ask the Secretary of State for Northern Ireland if she will list the prisoners convicted of terrorist offences who have been transferred to prisons in Northern Ireland from Great Britain in the last three years, indicating *(a)* the date of transfer, *(b)* the date of sentence, *(c)* the length of sentence, *(d)* the crimes for which convicted, *(e)* the organisation to which they claimed allegiance and *(f)* the date of release under the rules governing such release in (i) Great Britain prior to the recent agreement, (ii) Northern Ireland prior to the recent agreement and (iii) under the terms of the recent agreement. [41717]

Mr. Ingram: Sixteen prisoners convicted of offences in Great Britain related to terrorism have transferred to Northern Ireland in the last three years. It is not normal practice to disclose the personal details of individual prisoners and details of claimed allegiance are not maintained. However, due to the segregation of prisoners in HMP Maze in paramilitary affiliated groups it is possible to construe that of the sixteen prisoners transferred 10 aligned themselves to the Provisional IRA, 4 to INLA and 2 to the LVF.

The table indicates the offence, date of sentence, length of sentence, date of transfer to Northern Ireland, the prisoner's current transfer status, date of release applicable in Great Britain and the date of release under remission arrangements in Northern Ireland at the current time.

The impact of the proposed accelerated release scheme on the individual's release dates has required a re-calculation exercise to be undertaken. The exercise is almost complete and the information will be issued shortly to the hon. Gentleman in a written response.

Offence	*Date of sentence*	*Sentence*	*Date of transfer to N.I.*	*Transfer status*	*Release under rules applicable in G.B.*	*Release under rules applicable in N.I. prior to Belfast Agreement*
Conspiracy to cause and possession of explosives	20.1.1995	25 years	27.4.95	Permanent	11.4.2010	12.1.2006
Conspiracy to commit arson	5.10.1993	15 years	20.7.95	Permanent	6.11.1999	23.12.1997
Conspiracy to commit arson	5.10.1993	16 years	20.7.95	Permanent	20.2.2003	21.6.2000
Conspiracy to cause explosions	21.10.1994	25 years	21.7.95	Permanent	12.7.2010	14.4.2006
Causing explosions	16.12.1993	25 years	27.7.95	Permanent	10.10.2009	10.8.2005
Conspiracy to cause explosions	16.12.1993	32 years	27.7.95	Permanent	27.6.2008	27.8.2004
Explosive offences	8.11.1994	25 years	27.7.95	Permanent	25.10.2010	25.8.2006
Murder, attempted murder, explosive offences, firearms offences	11.5.1976	life	18.9.95	Permanent	Discretionary	Released on life licence on 14.3.1997
Attempted murder, conspiracy to cause explosions	19.10.1993	25 years	14.5.96	Temporary	Prisoner subsequently repatriated to the Republic of Ireland	
Contravention of the Firearms Act	20.12.1995	5 years	12.6.96	Temporary	6.4.1998	[1]29.1.1998
Conspiracy to cause explosions	20.12.1995	20 years	4.7.96	Temporary	19.11.2006	[1]21.7.2003
Acquiring firearms etc.	20.12.1995	10 years	9.4.97	Temporary	8.4.2002	[1]7.8.2000
Conspiracy to cause explosions	27.10.1987	25 years	10.6.97	Temporary	1.6.2003	[1]15.2.1999
Conspiracy to cause explosions	20.6.1988	17 years	10.6.97	Temporary	30.6.1998	[1]21.8.1995
Conspiracy to cause explosions	22.8.1994	25 years	14.8.97	Temporary	7.5.2010	[1]26.12.2005
Conspiracy to cause explosions	2.7.1997	35 years	18.12.97	Restricted	19.11.2019	[1]18.1.2014

Note:
Prisoners on temporary or restricted transfer to NI retain their GB date of release.
[1] Indicates the date on which the prisoners would have been released had they been transferred permanently to NI.

Salmon and Sea Trout

Mr. William Ross: To ask the Secretary of State for Northern Ireland if she will list the papers published by her Department in relation to salmon and sea trout in each of the last 10 years indicating which originated from work carried out at Bushmills. [41659]

Mr. Paul Murphy: The Department of Agriculture for Northern Ireland has published 78 papers relating to salmon since 1987. All of them originated from the research work carried out at the Bush Salmon Station at Bushmills. A full list of the publications has been placed in the Library of the House. The Department has not published any papers relating to Sea Trout.

Police Reservists

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland what *(a)* numbers and *(b)* percentage of police reservists have not had their contracts renewed in the last three years. [42165]

Mr. Ingram *[holding answer 18 May 1998]:* Over the last 3 years 25 RUC reservists were refused renewal of their 3-year contracts and 34 were refused one-year extensions. This represents an average of 1.62%. The renewals or extensions were refused for: (1) being medically unfit for the full range of duties; (2) poor attendance; and (3) unsatisfactory performance.

HOME DEPARTMENT

Edgar Fernandes

Mr. Vaz: To ask the Secretary of State for the Home Department (1) what steps *(a)* the Police and *(b)* his Department are taking to investigate the death of Edgar Fernandes; [42101]

(2) if he will review the police investigation into the death of Edgar Fernandes; [42102]

(3) what representations he has received on the circumstances of Edgar Fernandes's death. [42103]

Mr. Michael: The investigation into the death of Edgar Fernandes is a matter for the police in Turkey, where Mr. Fernandes died. The United Kingdom law enforcement agencies which are assisting in the investigation in this country, the Metropolitan Police Service and the National Central Bureau of Interpol (part of the National Criminal Intelligence Service), are liaising with the authorities in Turkey, Malta and Egypt and the Consular Division of the Foreign and Commonwealth Office.

We have received no representations on the circumstances of Mr. Fernandes' death. My Department is liaising closely with the agencies involved in this country to ensure that all possible steps are taken to assist with the inquiry, but the responsibility for investigating the case lies with the Turkish police.

Firearms

Mr. William Ross: To ask the Secretary of State for the Home Department, (1) pursuant to the letter of 5 May from the Scottish Office, Home Department, Police Division, to Mr. T. McCarthy, Secretary Scottish SPA, regarding consultation on matters affecting the administration of Firearms Acts for what reasons Mr. McCarthy has not been *(a)* supplied with documents and *(b)* consulted by the Home Office Operational Police Policy Unit in London in connection with their review and proposed changes to the firearms rules or forms; [42411]

(2) what consultations the Home Office Operational Police Policy Unit held with *(a)* Scottish Firearms Clubs or Associations and *(b)* the Deer Commission for Scotland on their proposed changes to the Firearms Rules and Firearms Forms. [42413]

Mr. Michael: The Home Office commenced consultation on the revision of the firearms forms on 5 December 1997. In accordance with established practice, the Home Office consulted bodies representing shooting sports in Great Britain as a whole. Consultation between branches and affiliates of those bodies in England, Wales and Scotland is principally a matter for the bodies themselves.

Consultation on the forms formally concluded on Thursday 5 May 1998. The Scottish Home Department informed the Home Office on that day that the Scottish Pistol Association wished to be included in future consultation exercises. This has been noted for future reference, but until then we had not received any suggestion that any specific Scottish group wished to be consulted independently of the Great Britain organisations.

Asylum Seekers

Mr. Dismore: To ask the Secretary of State for the Home Department if he will make a statement on asylum seekers from the Democratic Republic of the Congo. [43105]

Mr. Mike O'Brien: My right hon. Friend announced in his reply to my hon. Friend the Member for Nuneaton (Mr. Olner) on 16 May 1997, *Official Report*, column *3*, that he had made a declaration under the Social Security (Persons from Abroad) Miscellaneous Amendments Regulations 1996, that the former Zaire had undergone such an upheaval that we would not seek to enforce the return of refused asylum seekers to that country for the time being.

The new government of what is now the Democratic Republic of the Congo (DRC) have been in power for a year. The situation in the country has been carefully monitored and there have been consultations with the Foreign and Commonwealth Office and with other European partners. Information has also been obtained from a range of sources, including the United Nations High Commissioner for Refugees. Although there is conflict in the east of the country, security conditions in Kinshasa and in western areas of the DRC have been relatively stable for some months.

The information received about conditions in the DRC enables me to make an informed assessment of the merits of asylum applications made prior to the upheaval and subsequently, in accordance with our international obligations. My Department will review all outstanding claims, including those which have previously been refused and are awaiting appeal hearings. Individuals whose claims have already been refused and determined by the independent Immigration Appellate Authority and who are either liable to removal or are awaiting further consideration will be able to submit fresh applications for consideration which, if refused, will attract a fresh right of appeal. If an applicant is able to demonstrate that his fear of persecution is well-founded then asylum will be granted. Also, consideration will be given where there are exceptional and compelling humanitarian reasons for not enforcing return. If asylum or exceptional treatment is not merited, the normal course will be to expect applicants to return to the DRC. We will continue to monitor developments in the region.

TRADE AND INDUSTRY

Arms Exports

Ann Clwyd: To ask the President of the Board of Trade how many *(a)* routine and *(b)* unannounced visits her Department's inspectors have made to British companies to verify the company's compliance with the requirements of Open Individual Export licences covering the export of military, security or police equipment since 1996; if she will provide details of action taken against companies or individuals found in contravention of the OIEL procedures; and if such information will form part of the Annual report to Parliament on arms exports. [40386]

Mrs. Roche: Officials of Export Control Organisation have made 561 routine visits to British companies holding Open Individual Export Licences covering the export of military, security, or police equipment between 1 January 1996 and 28 April 1998 to verify their compliance with licence conditions. They do not make unannounced visits.

A range of action has been taken against licence holders found to be failing to comply with such conditions, the strongest being revocation of the licence in full. Disclosure by the Government of the outcome of particular visits could reasonably be expected to harm the competitive position of the companies concerned. Therefore the information comes within the category of information 'third party's commercial confidences' which is exempt from the commitment to provide information in the Code of Practice on Access to Government Information.

As regards the Annual Report on Strategic Export Controls and their application specifically, I refer my hon. Friend to the answer given by the Minister of State, Foreign and Commonwealth Office to the hon. Member for Portsmouth, South (Mr. Hancock) on 8 April 1998, *Official Report,* column *321.*

Customs and Excise, as the Export Licensing Enforcement Agency, has the power to make unannounced visits.

Biotechnology

Dr. Gibson: To ask the President of the Board of Trade if she will make a statement on the European Patent Directive on Biotechnology. [41016]

Mr. Battle *[holding answer 7 May 1998]:* The European Parliament voted on 12 May to adopt this Directive. The text adopted by the Parliament is identical to that of the Common Position which was agreed, with the support of the United Kingdom, by the Council of Ministers in February of this year. Formal adoption by the Council will follow, and the Directive will be published in the *Official Journal* of the European Communities. Member States have two years from the date of this publication in which to implement the provisions of the Directive into national law.

It is nearly ten years since the European Commission first made its proposal for a Directive. Search for the correct balance between the needs of industry for patents to foster research, and genuine ethical concerns about commercial rights in the biotechnological field have occupied much of this time. Now consensus has emerged, the Directive will make a significant contribution in reducing uncertainties presently surrounding patenting in Europe.

The Directive will not require substantial change to current United Kingdom law (the Patents Act 1977). In particular it would not render anything patentable which is not currently patentable in the UK. However, the Common Position does clarify that patents cannot be obtained in certain sensitive subject areas, that is human cloning, modifying human germ lines, and commercial uses of human embryos, thus strengthening UK law in these key areas of ethical concern. Patents will also not be obtainable for genetic modifications of animals unless there is substantial medical benefit.

Objective 5b Funding

Mr. Blizzard: To ask the President of the Board of Trade what representations she has received regarding the eligibility for Objective 5b funding of projects involving the private sector. [42323]

Mrs. Roche *[holding answer 18 May 1998]:* Rules were published by the Department in May 1995 allowing private sector involvement in European Regional Development Fund (ERDF) infrastructure projects. These rules remain in place. We have not received any representations about them.

Officials within the Department and Government Offices regularly discuss the eligibility of individual private sector projects and their compliance with the relevant Objective 5b programme. Of particular importance in these discussions is the European Commission requirement that public sector contributions to programmes are not replaced by private sector funds. Failure to achieve the expected level of public sector contributions is likely to lead to reduced payments of Structural Funds grant by the Commission. Private sector projects will not therefore be able to be supported if they replace necessary public sector contributions.

Cabouchon Jewellery

Mr. Campbell-Savours: To ask the President of the Board of Trade if she will institute inquiries under section 432 of the Companies Act 1985 into the price paid and arrangements made for the sale and distribution of the assets, including stock, of Cabouchon jewellery and the Cabouchon trade mark. [42565]

Mr. Nigel Griffiths: My Officials have liaised with the administrative receivers and a petition has just been presented in the High Court for the compulsory winding up of the company. The petition will be heard on 3 June 1998 and if, as expected, the company is wound up, the Official Receiver will have a statutory duty under the Insolvency Act 1986 to investigate the causes of the company's failure. In such circumstances no purpose would be served in using Companies Act inquiries to duplicate the Official Receiver's investigation.

Energy Council

Mr. Sawford: To ask the President of the Board of Trade what was the outcome of the Energy Council meeting on 11 May. [43180]

Mr. Battle: The Council considered several issues and received reports on matters of interest. I chaired the meeting.

I am particularly pleased to report that the Council was able to adopt the gas directive following the European Parliament's second reading. I regard this as an important development towards the completion of the single market in energy. It will lead to a more competitive market and a better deal for consumers.

The Council held a positive and constructive open debate on energy and the environment. It focused on three questions: enhancing renewable energies by making them cost competitive; promoting energy efficiency and CHP; and promoting environmental objectives. Member states underlined the importance of linking an energy response to Kyoto and outlined their actions at national level. My right hon. Friend the Minister for the Environment as President of the EU Environmental Council was able to attend for the open debate demonstrating a joint approach to environmental issues between Energy and Environment Ministers.

Following the open debate Council adopted a Presidency proposal for Council conclusions on the energy response to Kyoto which agreed the need for action both at national and EU level in the areas of renewable energies, combined heat and power and energy efficiency. The Council also adopted a Resolution in response to the Commission's White Paper on renewable energy sources which urges Member States to develop national strategies with a view to bringing about a substantial increase in the use of renewables throughout the EU. The Council agreed that the White Paper's indicative target of 12 per cent. for the European Union as a whole by 2010 provides useful guidance for these increased efforts. I regard such action as a win win win situation where new jobs in new energy services and new technologies will be created as a result of tackling environmental challenges.

The Council held an orientation debate on the energy framework programme to bring together all community energy specific programmes e.g. ALTENER, SAVE to support energy efficiency as well as a new programme to promote clean solid fuel technology. There was broad consensus on the approach and the text, and progress was made on technical aspects of the decision. The discussion on the budget was deferred until after the opinion of the European Parliament.

The Council received presentations from the Commission on the development of the single market in electricity and harmonisation requirements following the electricity directive. The Commission also gave a progress report on the Energy Charter Treaty and presentations on a proposal for a Council directive amending the Directive on minimum oil stocks, a review on Coal State Aids Decision Coal and information on the oil refining market. Political agreement was also reached on the ALTENER II decision following the European parliament's second reading.

DEFENCE

Overseas Training Exercises

Mr. Key: To ask the Secretary of State for Defence what was the most recent major unit overseas training exercise; and what was its cost *(a)* without and *(b)* including air movement costs. [41868]

Dr. Reid: The most recent major unit overseas training exercise was Medicine Man 1 which commenced on 14 April and will run until 25 May 1998. The exercise is being held at the British Army Training Unit in Suffield, Canada.

The cost of the exercise without air movement charges will be approximately £12.76 million. Air movement costs will be a further £1.02 million.

Public Bodies

Jackie Ballard: To ask the Secretary of State for Defence (1) what is the average attendance fee of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department; [42830]

(2) what is the average salary of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department. [42829]

Mr. Spellar: The majority of board members of non-departmental public bodies give their time and services voluntarily and receive no payment other than normal travel and subsistence expenses. Where members do receive remuneration, this can vary between an annual salary or an attendance fee, and in some cases, board members choose not to claim the attendance fees to which they are entitled. Individuals' remuneration therefore is not directly comparable, but is regardless of gender where made. Full details of all payments to board members of non-departmental bodies, by gender, are given in the Cabinet Office publication "Public Bodies". Copies of "Public Bodies 1997" are available in the Libraries of the House.

Public Appointments

Jackie Ballard: To ask the Secretary of State for Defence when his Department's action plan for increasing the number of women holding public appointments will be published; and if he will place a copy in the Library. [42831]

Mr. Spellar: My Department's action plan for increasing the number of women and ethnic minorities holding public appointments will be published shortly. A copy will be placed in the Library of the House.

Defence Bills Agency

Mr. Edwards: To ask the Secretary of State for Defence what key targets have been set for the Defence Bills Agency for 1998–99. [43078]

Dr. Reid: Targets have been set for the Chief Executive of the Defence Bills Agency for the financial year 1998–99 in accordance with the Agency's aim of meeting the requirements of its Service Level Agreement with the Ministry of Defence in a manner which offers best value for money.

The roles of the Defence Bills Agency as defined in its Framework document are: the authorisation and payment of bills from MOD's suppliers and contractors; the invoicing and collection of MOD receipts; the maintenance of accounting records for the MOD central ledger; and the provision of financial management information to budget holders.

The Chief Executive's key targets for 1998–99 build on the high standards of service already achieved by the Agency since its formation in January 1996 and are as follows:

1. To pay 97 per cent. of correctly-presented bills within 11 working days of receipt and 100 per cent. within 30 calendar days.
2. To raise 100 per cent. of invoices within 5 working days of receipt of correctly-presented instruction.
3. To meet the criteria contracted for in the Service Level Agreement covering debt recovery, management information systems, maintenance of contract records, reduction of overpayments and clearance of credit notes. To deliver these services within the agreed price of £15.587 million for the financial year 1998–99.
4. To achieve a further efficiency improvement over that specified in the Service Level Agreement for 1998–99 of 2½ per cent. in the bills process to staffing ratio. For 1997–98 the ratio was 6,395 bills processed for each member of staff. The target for 1998–99 is 6,555 bills processed for each member of staff.
5. To ensure that, by 1 January 1999, the Agency's internal financial systems are fully compliant with the Department's Resource Accounting and Budgeting system.

Sierra Leone

Mr. Wilshire: To ask the Secretary of State for Defence at what time and on what date he first saw a copy of the letter addressed to the Foreign Secretary from S. J. Berwin & Co. on behalf of Sandline International dated 24 April. [42129]

Sir George Young: To ask the Secretary of State for Defence (1) when he was first informed of the existence of the Customs and Excise investigation into the involvement of Sandline International in operations in Sierra Leone; [42317]

(2) when his Private Office was first informed of the existence of the Customs and Excise investigation into the involvement of Sandline International in operations in Sierra Leone. [42319]

Mr. George Robertson *[holding answer 18 May 1998]:* The first my Private Office knew of the existence of the Customs and Excise investigation into the involvement of Sandline International in operations in Sierra Leone was the afternoon of Friday 24 April 1998, when they received a faxed copy of the letter from S. J. Berwin & Company to my right hon. Friend the Foreign and Commonwealth Secretary. This letter was passed for action that day to the Private Office of the relevant Minister, my hon. Friend the Minister for the Armed Forces. His Private Office placed the letter in his weekend box, and he saw it the following day (Saturday 25 April). The letter was placed in my overnight box on Wednesday 29 April and, to my recollection, I first saw it in the early hours of the morning of Thursday 30 April.

Sir George Young: To ask the Secretary of State for Defence (1) when his Private Office was first informed of the involvement of Sandline International in operations in Sierra Leone; [42322]

(2) when he was first informed of the involvement of Sandline International in Sierra Leone. [42321]

Mr. George Robertson *[holding answer 18 May 1998]:* I refer the right hon. Member to the reply I gave to the hon. Member for Mid-Sussex (Mr. Soames), on 18 May 1998, *Official Report*, column *258*.

Mr. Blunt: To ask the Secretary of State for Defence between what dates HMS 'Monmouth' was deployed off the coast of Sierra Leone. [42557]

Mr. George Robertson *[holding answer 18 May 1998]:* HMS Monmouth was stationed in the vicinity of Sierra Leone from 0600Z on 14 February to 1200Z on 23 February 1998. The ship berthed alongside Conakry, Guinea from 1900Z on 17 February to 1600Z on 20 February.

Mr. Key: To ask the Secretary of State for Defence what standing orders were issued by his Department concerning assistance by British forces in Sierra Leone. [42154]

Mr. George Robertson *[holding answer 18 May 1998]:* The instructions to HMS Monmouth (and later HMS Cornwall) were to deploy to the vicinity of Sierra Leone to be prepared to provide immediate humanitarian assistance to the people of Sierra Leone, to support our diplomatic efforts there, and to assist in the return of the British High Commissioner, should the democratically elected Government be restored.

Mr. Maclean: To ask the Secretary of State for Defence if he will list the dates in 1998 when HMS 'Cornwall' was within 50 miles of the coast of Sierra Leone. [42279]

Mr. George Robertson *[holding answer 18 May 1998]:* HMS Cornwall was within 50 nautical miles of Sierra Leone on the following dates:

a. 23 February;

b. 25–27 February;

c. 28 February-20 March;

d. 23–27 April.

Sir George Young: To ask the Secretary of State for Defence (1) when he was first informed of the plan for military intervention to restore the Government of President Kabbah of Sierra Leone; [42318]

(2) when his Private Office was first informed of the plan for military intervention to restore the Government of President Kabbah of Sierra Leone. [42320]

Mr. George Robertson *[holding answer 18 May 1998]:* We were not informed by ECOMOG of its plans for military intervention to restore the government of President Kabbah of Sierra Leone. Nevertheless, potential operations and activities of forces in Sierra Leone, including ECOMOG, were referred to in a number of reports circulated within the Department, including to Ministers' Offices, dating back to May 1997.

SOCIAL SECURITY

Welfare Reform

Mr. Webb: To ask the Secretary of State for Social Security if she will list those organisations which submitted responses to the Government's New Ambitions for our Country: A New Contract for Welfare Green Paper; and if she will place copies of their submissions in the Library. [42272]

Mr. Field: Responses to the consultation exercise should reach this Department by 31 July. When analysis has been completed, a list of those respondents who are willing to have their names made public will be placed in the Library and we will also give details of how we intend to publish responses.

Disability Benefits

Mr. Flynn: To ask the Secretary of State for Social Security if she will list *(a)* the number of applications each month for each of the components of disability allowance and *(b)* the number or percentage (i) accepted under each heading, (ii) of those individuals requesting a review, (iii) of those individuals whose application was accepted at review, (iv) of those individuals requesting an appeal to the ITS and (v) of those individuals whose request for either a review or appeal was turned down in the last year for which figures are available. [42128]

Mr. Denham: The information is not available in the format requested. Such information as is available is set out in the tables.

Numbers of decisions and awards on initial claims for disability living allowance

Month	Total decisions	Care component only awarded	Mobility component only awarded	Both components awarded
May 1997	31,236	4,200	3,654	8,929
June 1997	44,252	4,715	3,973	9,869
July 1997	42,672	5,414	4,491	10,598
August 1997	38,769	4,418	3,614	8,979
September 1997	41,793	4,785	4,341	9,838
October 1997	44,952	5,241	4,017	10,494
November 1997	41,614	4,761	3,559	9,455
December 1997	31,414	4,114	2,858	8,128
January 1998	33,547	4,743	2,917	9,573
February 1998	40,242	4,177	2,377	8,488
March 1998	39,356	4,556	2,337	8,624
April 1998	30,427	4,066	2,196	7,851

Numbers of review decisions on disability living allowance, with breakdown by outcome

Month	Total decisions	Successful[1]	Unsuccessful
May 1997	27,895	10,533	17,362
June 1997	21,458	8,022	13,436
July 1997	33,513	12,854	20,659
August 1997	32,152	11,976	20,176
September 1997	33,354	12,454	20,900
October 1997	37,095	12,972	24,123
November 1997	31,470	11,272	20,198
December 1997	25,350	8,864	16,486
January 1998	35,374	12,287	23,087
February 1998	30,218	10,310	19,908
March 1998	29,418	10,107	19,311
April 1998	24,587	8,229	16,358

Numbers of appeal decisions on disability living allowance, with breakdown by outcome

Month	Total decisions	Successful[1]	Unsuccessful
May 1997	2,620	1,465	1,155
June 1997	3,054	1,705	1,349
July 1997	3,300	1,898	1,402
August 1997	2,724	1,503	1,221
September 1997	3,201	1,605	1,596
October 1997	3,183	1,666	1,517
November 1997	3,062	1,548	1,514
December 1997	2,680	1,326	1,354
January 1998	3,271	1,586	1,685
February 1998	3,624	1,686	1,938
March 1998	4,275	1,934	2,341
April 1998	3,381	1,663	1,718

[1] Initial benefit award or increase of existing award

Note:

Figures based on 100 per cent. data.

Public Bodies

Jackie Ballard: To ask the Secretary of State for Social Security (1) what is the average attendance fee of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to her Department; [42812]

(2) what is the average salary of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to her Department. [42811]

Mr. Field: The majority of board members of non-departmental public bodies give their time and services voluntarily and receive no payment other than normal travel and subsistence expenses. Where members do receive remuneration, this can vary between an annual salary, an honorarium or an attendance fee (which itself can be a daily rate or a half-daily rate, or calculated on a per meeting or per case basis). Individuals' remuneration therefore is not directly comparable. Full details of all payments to board members of non-departmental bodies, by gender, are given in the Cabinet Office publication "Public Bodies". Copies of "Public Bodies 1997" are available in the Libraries of the House.

Pensions Review

Mr. Kirkwood: To ask the Secretary of State for Social Security (1) if the review of pensions will assess the advantages and disadvantages of freezing pensions for expatriates; and if she will make a statement; [41482]

(2) if she will consult the World Alliance of British Expatriate Pensioners before the pensions review is concluded. [41483]

Mr. Denham: The Pensions Review is examining all aspects of the basic State pension and its value, and second pensions including State Earnings-Related Pensions Scheme (SERPS)

Of the 2,000 responses received, 343 are from pensioners and organisations representing pensioners living abroad.

The Government will publish a Green Paper on Pensions later this year. There will be a period of further consultation before final proposals are developed.

Illness and Mortality Rates

Mr. Llwyd: To ask the Secretary of State for Social Security what research her Department has commissioned into the correlation between social class and *(a)* illness and *(b)* mortality rates; and if she will make a statement. [29368]

Ms Jowell: I recently announced a £1.7 million programme of research projects on health inequalities. In addition the Independent Inquiry into Inequalities in Health is reviewing existing research on these issues. Further research will be commissioned in the light of the Inquiry's report.

CULTURE, MEDIA AND SPORT

Departmental Buildings

Mr. Burstow: To ask the Secretary of State for Culture, Media and Sport what estimate he has made of the value of the freehold property of the National Sound Archive building at 29 Exhibition Road; and when the freehold will be disposed of. [40127]

Mr. Fisher: The property at 29 Exhibition Road, currently occupied by the British Library's National Sound Archive (NSA), is held in Trust by the National Sound Archive. It is intended that the property will be sold when the NSA vacates the building later this year. The value of the premises will depend on the property market at the time. The terms of the Trust require that the proceeds from sale of the property should be used to further the NSA's designated activities.

Mr. Burstow: To ask the Secretary of State for Culture, Media and Sport what plans he has for the future use of the unoccupied Public Record Office in Chancery Lane; and what estimate he has made of the freehold value of *(a)* that site and *(b)* the tenant-free accommodation of the Science Reference Library and Patent Office, at 25 Southampton Buildings and Furnival Street, London WC2. [40145]

Mr. Fisher: The property formerly occupied by the Public Record Office in Chancery Lane is vested in the Crown Estate Commissioners. The property is currently for sale but there is at the moment no indication of its value since this is expected to vary according to its eventual use. The Commissioners intend that the building should be used in keeping with its Grade II listed status.

The freehold of Southampton Buildings, currently occupied by the British Library's Science Reference and Information Service, will be sold on the Library's vacation of the property in the summer of 1999. Proposed options for the sale are currently the subject of discussion between the Department and the Library: the value of the building will depend on the method of sale and the prevailing market conditions.

Consultation Papers

Mr. Gordon Prentice: To ask the Secretary of State for Culture, Media and Sport if he will list the consultation papers published since 1 May 1997 giving the date of publication, closing date for submissions and the number of respondents. [42256]

Mr. Tom Clarke: The details requested are as follows:

Title	*Date of publication*	*Closing Date*	*Number of replies*
Broadcasting events of National Significance (on criteria to guide the listing of events under the Broadcasting Act 1990)	10 July 1997	1 September 1997	38
The People's Lottery	21 July 1997	12 September for comments on the Bill and 10 October for general comments	588
Access to Museums and Galleries—Consultation Paper on Draft Code of Practice	8 December 1997	28 February 1998	60
Television: the Digital Future (jointly issued by DCMS and the DTI's Radiocommunications Agency)	12 February 1998	4 September 1998	n/a
Definition of a British Film (included in the Film Policy Review Group Report)	25 March 1998	29 May 1998	n/a
Tourism—Towards Sustainability	14 April 1998	29 May 1998	n/a

n/a = Not applicable

ATTORNEY-GENERAL

Sierra Leone

Mr. Heathcoat-Amory: To ask the Attorney-General on what date *(a)* he and *(b)* officials in his private office were told that allegations of a breach of the UN arms embargo on Sierra Leone had been referred to HM Customs and Excise. [41882]

The Attorney-General *[holding answer 14 May 1998]:* On 17 June 1996 my predecessor announced the establishment, in accordance with a recommendation by Sir Richard Scott, of new arrangements for supervision by the Attorney-General to cover prosecutions by HM Customs and Excise involving defence related exports and all sanctions enforcement cases. That superintendence does not extend to investigations.

On 3 April 1998 in accordance with those arrangements, my office received advance notification of a suspected breach by Sandline International of the UN arms embargo against Sierra Leone. In my absence from the office on leave over Easter, the papers were submitted (in the usual way) to the Solicitor-General for noting. I noted the position on my return from leave.

Sir John Stanley: To ask the Attorney-General whether advice was sought from himself or his officials before the Foreign and Commonwealth Office on 10 March formally advised Her Majesty's Customs and Excise of the allegations regarding Sandline. [42074]

The Attorney-General *[holding answer 14 May 1998]:* As a matter of convention, neither the substance of the Law Officers' advice, nor the fact that they have been consulted, is disclosed outside Government other than in exceptional circumstances. I see no reason to depart from this convention in this case.

Mr. Garnier: To ask the Attorney-General if he will list all *(a)* oral and *(b)* written communications to and from his Department and (i) the Foreign and Commonwealth Office, (ii) the Ministry of Defence, (iii) the Department of Trade and Industry, (iv) Her Majesty's Treasury and (v) Her Majesty's Customs and Excise with regard to Sierra Leone and the export and import of arms since 1 January. [42072]

The Attorney-General *[holding answer 19 May 1998]:* HM Customs and Excise have concluded their investigation of allegations, passed to them by the Foreign and Commonwealth Office, of a breach of the arms embargo on Sierra Leone and announced their decision that no criminal proceedings will be instituted against any person. The Foreign Secretary has appointed Sir Thomas Legg and Sir Robin Ibbs to conduct a full investigation into events surrounding this case. The report of that investigation will be published.

INTERNATIONAL DEVELOPMENT

India

Sir Alastair Goodlad: To ask the Secretary of State for International Development what aid programmes her Department is currently supporting in India; at what cost; and what was the comparable figure for 1997–98. [42231]

Clare Short: Britain provides substantial bilateral development assistance to India at a cost of around £80-£90 million a year. Our programme is increasingly focused on the elimination of poverty and consists mainly of support in the areas of rural development, water and sanitation, urban poverty, education, health and energy as well as assistance through non-Governmental Organisations. We also help indirectly through contributions to the European Commission and other multilateral institutions.

The provisional bilateral outturn for 1997–98 is around £75 million—lower than average due mainly to slippage on two large energy projects. This year, we expect spending to revert to the level of previous years.

Dr. Tonge: To ask the Secretary of State for International Development what discussions she has had with her Indian counterparts on the impact on the Warli culture of a deepwater port at Vadhavan in Dahanu Taluka. [42562]

Clare Short: I have not discussed this matter with my Indian counterparts.

Ministerial Briefing

Sir Alastair Goodlad: To ask the Secretary of State for International Development what instructions she gave, on assuming office, on the information which she wished to be drawn to her attention, in red boxes or otherwise; and what modifications she has made to these instructions. [42301]

Clare Short: I made it clear that I should be given all information necessary to allow me to direct the Department's work effectively and carry out my Parliamentary and Cabinet duties. This included policy recommendations, information on the conduct of the Department's business, Parliamentary questions and correspondence, and relevant public and Government correspondence. I frequently request further information in the course of departmental meetings or consideration of papers. I have had no reason to change these instructions.

Antigua

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will make a statement on the assistance her Department is currently providing to Antigua. [42142]

Clare Short: In recognition of the access to public services provided to Montserratians who have relocated to Antigua, we have given debt relief of £1.25 million and agreed a £3 million grant. The grant will be used for school and health projects. Over the last five years we have spent over £4 million in Antigua and Barbuda.

St. Kitts and Nevis

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will make a statement on the assistance her Department is currently providing to St. Kitts and Nevis. [42143]

Clare Short: We are in the third and final year of a £1.5 million Police Development Project for St. Kitts and Nevis. This project has provided technical assistance, equipment, training and the complete refurbishment of the Police Station in Nevis. Over the last five years we have spent £5.8 million in St. Kitts and Nevis.

Montserrat Building Society

Sir Alastair Goodlad: To ask the Secretary of State for International Development (1) what discussions her Department has had with *(a)* private sector financial organisations and *(b)* other institutions about possible assistance to the Montserrat Building Society; [42145]

(2) what discussions her Department has held with insurance companies about the Montserrat Building Society; and if she will make a statement. [42144]

Clare Short: None. HMG's policy towards the Montserrat Building Society is a matter for my right hon. Friend the Foreign Secretary.

Disabled Children (Africa)

Sir Alastair Goodlad: To ask the Secretary of State for International Development what assistance her Department is providing towards community support for disabled children in *(a)* Uganda, *(b)* Kenya, *(c)* Malawi, *(d)* Sierra Leone and *(e)* Rwanda; and at what cost in each case. [42228]

Clare Short: We are not currently funding any activities for disabled children either in Sierra Leone or in Rwanda. Details of our support in Uganda, Kenya and Malawi is as follows:

(a) Uganda

British-Uganda Partnership Scheme 1997–1998

Baliita Centre for the Blind, Luwero: construction materials for a resource centre and workshop for the blind, £4,420. This is in addition to previous support for construction materials for a 4 room dormitory building, latrines, ablutions block and kitchen area for the Centre, £5,800.

Ruharo Eye Centre, Mbarara: teaching materials and assessments for the blind, £2,200.

Buginyanya Disabled Association, Kapchorwa: a maize mill, carpentry tools and sewing machines for an income-generation scheme for the disabled, £4,700.

Heads of Mission Gift Scheme 1997–1998

Mulago Hospital, Occupational Therapy Unit, Kampala: training videos for occupational therapists, £1,700.

Uganda Association for the Mentally Handicapped, Kampala: hortcultural tools for their agricultural programme for the mentally handicapped, £230.

Uganda National Association for the Blind, Kampala: batteries for tape recorders to assist with educational programmes for the blind, £110.

Butambala School for the Deaf, Mpigi: construction materials for a maize mill, £1,760.

DFID Small Grants Scheme 1998–1999

District Disabled Persons of Lira: construction of a workshop for the repair of appliances and provision of welding and hand tools, £5,500.

The above projects aim to give support to the disabled, in general, and not specifically disabled children. However, the children will no doubt benefit either directly or indirectly from this support.

Contributions through the Joint Funding Scheme

Uganda Society for Disabled Children (USDC): Community Orientated Rehabilitation Activities, Uganda.

USDC run a disability programme which aims to improve the decentralised support systems and service provision for disabled children in West Nile—Province of Uganda.

Start Date: 1 April 1994

End Date: 31 March 1999

Offered: £476,818.

Action Health: Occupational Health Training Programme, Uganda

Action Health are supporting a training programme for Occupational Therapists (OTs) at Mulago Hospital. Aim is to train OTs to serve health needs in Uganda and particularly to work with handicapped/disabled families to help them lead a more productive life in their communities.

Start Date: 1 April 1997

End Date: 31 March 2000

Offered: £43,410

Action on Disability and Development (ADD): Deaf Community Development, Uganda

Project addresses the needs of deaf people who are socially and economically marginalised due to their limited oral communication and low level of education. Project targets children and women who are particularly isolated within communities.

Start Date: 1 April 1996

End Date: 31 March 1998

Offered: £227,456

Bilateral Programme

We have also supported the work of the Uganda Society for Disabled Children; this community based rehabilitation project, which started in October 1994 and ended on 31 March 1998, has helped disabled children to lead more independent and productive lives in Luwero and Arua districts, £320,700.

(b) Kenya

DFID Small Grants Scheme 1998–1999

Kaptwai Primary School for Physically Disabled Children: construction of and equipment for two workshops, £11,000.

Karen Technical Training Institute for the Deaf: rehabilitation of a borehole, £1,550.

(c) Malawi

British-Malawi Partnership Scheme 1997–1998.

Sue Ryder Foundation: traction bars, £6,080.

DFID Small Grants Scheme 1998–1999.

Sue Ryder Foundation: project vehicle costs, £1,250.

Child Soldiers

Sir Alastair Goodlad: To ask the Secretary of State for International Development in which countries her Department has supported rehabilitation projects for former child soldiers in the past year; and what are her plans for the future. [42230]

Clare Short: Since 1997, we have supported projects in Angola, Liberia, Uganda and Rwanda, which, as part of wider support for war affected populations, have rehabilitated child soldiers. We contributed £400,000 to the International Organisation for Migration to assist the return and resettlement of war disabled in Angola which included child demobilised soldiers. In northern Uganda, we jointly funded with the Foreign and Commonwealth Office a local NGO skills training programme to rehabilitate demobilised child soldiers. Through the UK's share of aid to the European Commission, we supported the Government of Rwanda's Demobilisation and Reintegration Programme which demobilised and provided sustained support for 2,500 child soldiers. In March 1998, a further £1 million was provided to the UN Development Programme as additional support to the second phase of the Government of Rwanda's programme. In addition, we have contributed £37.8 million in financial year 1997–98 (preliminary estimate) to support UN agencies and NGOs who are working to protect and assist vulnerable children in conflict situations.

We will explore what further assistance we can provide to help former child soldiers at a ministerial meeting, in London on 23 June, which my Department will host to give exposure to the work programme and priorities of the UN Secretary-General's Special Representative on Children and Armed Conflict to our European partners.

Bangladesh

Sir Alastair Goodlad: To ask the Secretary of State for International Development what aid programmes her Department is currently supporting in Bangladesh and at what cost; and what was the comparable figure for 1997–98. [42233]

Clare Short: The Department for International Development has a substantial programme in Bangladesh, offering support for the Government of Bangladesh's policy of promoting growth alongside poverty reduction. The key themes of our aid strategy are poverty reduction and support for good government and institutional development. The programme works with both Government and non-governmental organisation (NGO) partners to address these goals, and also helps indirectly through contributions to the programmes of the European Commission and other multilateral institutions.

Spending statistics for the 1997–98 year are not yet finalised, but are expected to be somewhat lower than the £44.39 million spent in 1996–97 due to delay in implementing new projects. From 1998–99, we hope to see an increase in the spending levels of recent years. More than half of the current programme is spent on direct poverty assistance, with projects in health and education, micro-credit, employment generation, and food production. Other projects target institutional strengthening, infrastructure development, and public sector reform. Examples of significant current projects include:

Agricultural Services Support Project: £5.5m for strengthening Government agricultural extension work.

INTERFISH, a £5.6m project with the NGO CARE, promoting fish production in rice fields.

An £11.6m contribution to micro-credit and social development programmes of the national NGO, Proshika; and a £9.2m contribution to similar programmes of BRAC.

£8m support for non-formal primary education programme again with BRAC, working with poor children, particularly girls.

£20.6m support for the Government of Bangladesh Fourth Population and Health Project.

Bridge improvement project £15.6m.

Reforms in Budget and Expenditure Control, £9.8m helping the development of improved Government of Bangladesh systems for financial management.

Key elements of current work on new projects include strengthening Government of Bangladesh primary education services, and supporting a new National Health and Population Strategy.

Millennium Dome

Sir Alastair Goodlad: To ask the Secretary of State for International Development what discussions she has had with the *(a)* Minister without Portfolio and *(b)* Chancellor of the Exchequer about a Third World debt reduction project at the Millennium Dome; and if she will make a statement. [42716]

Clare Short: My Department and the Treasury have consulted carefully with each other about the so-called "Bondfire Project". Earlier this month I wrote to the Minister without Portfolio, stressing the need to ensure if the project went ahead that bond purchasers' money went to help poor countries, not their creditors. I understand the proposal is now being revised.

Westminster Foundation for Democracy

Sir Alastair Goodlad: To ask the Secretary of State for International Development what funding her Department provided to the Westminster Foundation for Democracy in *(a)* 1996–97 and *(b)* 1997–98; and what sums she plans to provide in 1998–99. [42444]

Clare Short: The Department for International Development (DFID) did not provide any funding to the Westminster Foundation for Democracy in 1996–97 or 1997–98.

I have no plans to provide funding in 1998–99, but we will seek closer coherence between the activities of the Foundation and the related activities of DFID.

Human Rights

Mr. Vaz: To ask the Secretary of State for International Development what representations she has received regarding Her Majesty's Government's first annual human rights reports from *(a)* foreign Governments, *(b)* international aid agencies and *(c)* British charities and non-Governmental organisations. [42347]

Clare Short: I have not yet received any formal representations on the Annual Human Rights Report. We are, of course, engaged in discussion about the issues in the Report.

Sir Alastair Goodlad: To ask the Secretary of State for International Development how much her Department spent in *(a)* 1996–97 and *(b)* 1997–98 in the areas of (i) human rights and (ii) democracy and good governance; in which countries; and what provision she has made for similar expenditure in 1998–99. [42467]

Clare Short: Commitments on human rights were not recorded as such until 1 April 1998. However, civil and political rights are related to our commitments on democracy and good governance which amounted to £72.9 million in 1996–97 and £78.5 million in 1997–98. Commitments were made in these years to the following countries:

1996–97

Albania
Anguilla
Bosnia
Botswana
Bulgaria
China
Dominica
Ethiopia
Gambia
Ghana
Guyana
Hungary
India
Jamaica
Jordan
Kenya
Lesotho
Malawi
Montserrat
Mozambique

Nepal
Pakistan
Poland
Republic of Kazakhstan
Romania
Russian Federation
Rwanda
Sierra Leone
Slovak Republic
Somalia
South Africa
South Pacific
Swaziland
Tanzania
Turks and Caicos Islands
Uganda
Ukraine
Uzbekistan
West Bank/Gaza
Zambia
Zimbabwe

1997–98

Afghanistan
Albania
Angola
Anguilla
Bangladesh
Belize
Bolivia
Bosnia
Botswana
Brazil
Bulgaria
Burundi
Cambodia
China
Cote d'Ivoire
Dominica
Gambia
Georgia
Ghana
Guinea
Guyana
India
Jamaica
Kenya
Latvia
Lesotho
Malawi
Montserrat
Mozambique
Namibia
Nepal
Nicaragua
Pakistan
Poland
Republic of Kazakhstan
Republic of Uzbekistan
Romania
Russian Federation
Rwanda
Serbia
Sierra Leone
Slovak Republic
Slovenia
South Africa
Sri Lanka
St. Lucia
Swaziland
Tanzania
Turks and Caicos Islands
Uganda
Ukraine
Vietnam
West Bank and Gaza
Yugoslavia
Zambia
Zimbabwe.

In addition, many other commitments made by the Department for International Development are related to economic, social and cultural rights, for example those in education, health, water and sustainable livelihoods, and are designed to enhance the capacity of states and civil society to achieve these rights.

We have no plans to limit the financial amounts which may be committed to human rights, democracy and good governance by making a specific provision for expenditure in 1998–99.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what assistance her Department is giving to human rights projects, and at what cost, in *(a)* Malawi, *(b)* Zambia, *(c)* Sierra Leone and *(d)* Nigeria. [42468]

Clare Short: Expenditure on our human rights work was not recorded as such until 1 April 1998. However, much of our work contributes to the civil and political, economic, social and cultural rights of poor and disadvantaged peoples, such as our work on good governance, support for education, health, water and rural livelihoods.

In Malawi and Zambia we support access to basic health and education for poor and disadvantaged groups (nearly £70 million in Malawi, over £60 million in Zambia). We support anti-corruption institutions in both countries, other human rights bodies (e.g. the Malawi criminal legal system, the Zambia Human Rights Commission), and provide human rights training for the Malawi police. We also support the development of civil society organisations, including civic education on women's rights and training for journalists in Zambia. These total some £3 million in Malawi and £1 million in Zambia. We plan to help both countries further to implement the international Conventions they have signed.

In Nigeria we have committed £15 million to basic health projects and £2.2 million to education programmes. We have also committed £300,000 to help a range of local non-governmental organisations through workshops and in-country training to strengthen accountability and transparency (e.g. workshops for local journalists, improving access to justice), human rights (e.g. gender training), democracy, and training in conflict management. In Sierra Leone, we have contributed £2 million to the International Committee of the Red Cross, part of which supports human rights monitoring.

Botswana

Sir Alastair Goodlad: To ask the Secretary of State for International Development what assistance her Department is giving towards promoting the human rights of remote area dwellers in Botswana; and at what cost. [42466]

Clare Short: We have offered support for a consultative process to ensure that the needs of Remote Area Dwellers, many of whom are Basarwa (or San) people, are effectively addressed in implementation of the Botswana Government's new National Development Plan. We are also considering support to the Ngamiland West Participatory Development Initiative, to help local communities make effective use of natural resources, at a cost of up to £1,100,000.

Information

Mr. Sanders: To ask the Secretary of State for International Development if her Department operates a monitoring exercise of persistent inquirers for information. [42640]

Clare Short: The Department for International Development has few persistent inquirers and has not put in place any formal monitoring exercise.

WALES

Hill Farmers

4. **Mr. Fraser:** To ask the Secretary of State for Wales if he will make a statement on the current situation of hill farmers. [41416]

Mr. Ron Davies: Farm incomes fell sharply in 1997. The Government therefore provided £85 million in agrimoney compensation for cattle and sheep producers, and this provides substantial help for hill farmers.

In addition, the Government have provided £35 million to pay for the start up costs and first year running costs for the Cattle Tracing System and a further £35 million to relieve the industry of extra charges related to the new Specified Risk Material (SRM) regulations. These measures represent considerable assistance to the industry. The Government will continue to keep the case for further agrimoney compensation under review.

EU Structural Funds

12. **Mr. Cash:** To ask the Secretary of State for Wales what progress he has made in gaining financial assistance from the European Union for areas of severe economic deprivation in Wales. [41424]

Mr. Hain: The UK Government in conjunction with all other Member States are currently negotiating draft Structural Funds Regulations for the period 2000–2006 with the European Commission. The Welsh Office is fully involved with these negotiations. An integral part of these Regulations are the criteria which will determine future eligibility.

18. **Mr. Gareth Thomas:** To ask the Secretary of State for Wales what discussions he has had with other Government departments on the review of European structural funds in Wales. [41431]

Mr. Hain: We are in regular discussions with a number of Government Departments, on all aspects of Structural Funds policy.

Local Authority Expenditure

13. **Mr. Llew Smith:** To ask the Secretary of State for Wales what was public expenditure, including lottery grants, in each of the last five years for *(a)* Cardiff Bay, *(b)* Cardiff and *(c)* all other county borough councils or their predecessors; and what are the figures for each of those areas for (i) 1998–99 and (ii) 1999–2000. [41425]

Mr. Ron Davies: Information on total public expenditure by Local Authority area is not available. Information on total local authority expenditure, lottery funding and grant in aid to the Cardiff Bay Development Corporation for the past five years, is as follows.

Total local authority expenditure, lottery expenditure and CBDC grant in aid

£ million

	1993–94	*1994–95*	*1995–96*	*1996–97*	*1997–98*	*1998–99*	*Lottery Awards since 1993*
Cardiff Bay Development Corporation (Grant in Aid)	45.2	62.3	63.1	60.5	47.9	44.9	—
County Councils (pre LGR):							
Clwyd	26.6	32.0	49.7	—	—	—	—
Dyfed	17.5	17.7	19.8	—	—	—	—
Gwent	40.7	35.5	39.1	—	—	—	—
Gwynedd	14.6	14.5	13.8	—	—	—	—
Mid Glamorgan	43.6	55.6	65.9	—	—	—	—
Powys	12.2	13.6	13.9	—	—	—	—
South Glamorgan	44.5	43.8	33.0	—	—	—	—
West Glamorgan	21.8	31.6	46.2	—	—	—	—
All counties	221.4	244.1	281.4	—	—	—	—

Total local authority expenditure, lottery expenditure and CBDC grant in aid

£ million

	1993–94	*1994–95*	*1995–96*	*1996–97*	*1997–98*	*1998–99*	*Lottery Awards since 1993*
District Councils (pre LGR):							
Alyn and Deeside	6.5	11.8	9.5	—	—	—	—
Colwyn	7.6	6.8	8.6	—	—	—	—
Delyn	11.9	14.1	13.4	—	—	—	—
Glyndwr	4.4	3.8	4.7	—	—	—	—
Rhuddlan	15.5	14.5	16.3	—	—	—	—
Wrexham Maelor	17.2	18.4	18.2	—	—	—	—
Carmarthen	8.0	7.4	10.9	—	—	—	—
Ceredigion	8.3	14.4	14.5	—	—	—	—
Dinefwr	6.9	5.6	6.6	—	—	—	—
Llanelli	18.3	28.4	21.7	—	—	—	—
Preseli Pembrokeshire	12.2	14.3	15.1	—	—	—	—
South Pembrokeshire	10.1	13.8	8.8	—	—	—	—
Blaenau Gwent	15.6	18.0	15.6	—	—	—	—
Islwyn	14.6	13.8	14.6	—	—	—	—
Monmouth	4.2	4.4	6.8	—	—	—	—
Newport	14.1	12.1	13.2	—	—	—	—
Torfaen	11.1	11.6	9.0	—	—	—	—
Aberconwy	8.3	6.8	6.9	—	—	—	—
Arfon	11.0	14.4	13.8	—	—	—	—
Dwyfor	8.4	7.9	8.1	—	—	—	—
Meirionnydd	5.0	4.4	6.7	—	—	—	—
Ynys Môn	11.3	11.6	14.6	—	—	—	—
Cynon Valley	17.5	17.4	18.4	—	—	—	—
Merthyr Tydfil	15.2	11.6	11.4	—	—	—	—
Ogwr	13.5	14.3	16.9	—	—	—	—
Rhondda	18.8	20.1	17.1	—	—	—	—
Rhymney Valley	14.7	19.5	22.9	—	—	—	—
Taff Ely	11.1	18.4	16.0	—	—	—	—
Brecknock	5.4	9.5	7.0	—	—	—	—
Montgomeryshire	7.2	8.1	9.4	—	—	—	—
Radnorshire	3.4	2.7	3.1	—	—	—	—
Cardiff	39.3	33.8	38.4	—	—	—	—
Vale of Glamorgan	11.6	12.3	13.5	—	—	—	—
Port Talbot	12.8	13.4	13.8	—	—	—	—
Lliw Valley	6.0	9.2	11.3	—	—	—	—
Neath	8.8	13.5	13.4	—	—	—	—
Swansea	29.6	27.2	25.9	—	—	—	—
All districts	445.3	489.0	496.2	—	—	—	—
Wales	666.7	733.1	777.5	—	—	—	—
Unitary authorities (post LGR):							
Isle of Anglesey	—	—	—	15.8	16.3	—	3.0
Gwynedd	—	—	—	30.6	28.1	—	1.6
Conwy	—	—	—	21.2	18.6	—	2.5
Denbighshire	—	—	—	18.1	13.5	—	3.9
Flintshire	—	—	—	42.0	28.3	—	84.8
Wrexham	—	—	—	25.5	16.7	—	42.3
Powys	—	—	—	33.2	22.5	—	6.8
Ceredigion	—	—	—	16.6	15.2	—	11.5
Pembrokeshire	—	—	—	23.1	23.3	—	4.6
Carmarthenshire	—	—	—	39.0	36.9	—	4.4
Swansea	—	—	—	51.5	36.5	—	19.0
Neath Port Talbot	—	—	—	37.6	27.5	—	1.5
Bridgend	—	—	—	19.4	14.9	—	2.2
The Vale of Glamorgan	—	—	—	27.1	16.2	—	3.3
Rhondda Cynon Taff	—	—	—	60.5	50.6	—	2.9
Merthyr Tydfil	—	—	—	16.1	12.0	—	5.6
Caerphilly	—	—	—	40.4	37.9	—	9.5
Blaenau Gwent	—	—	—	19.0	15.1	—	9.9
Torfaen	—	—	—	20.5	12.8	—	7.3
Monmouthshire	—	—	—	11.6	7.4	—	7.1
Newport	—	—	—	31.0	33.2	—	1.1
Cardiff	—	—	—	55.9	64.2	—	7.6
Wales	—	—	—	655.9	547.7	—	242.4

Class Sizes

14. **Mr. Spring:** To ask the Secretary of State for Wales what representations he has received concerning class sizes in primary schools in Wales. [41426]

Mr. Hain: We have received letters from hon. Members, school governors, headteachers, class teachers, parents and the Welsh Local Government Association—all of them supportive of the policy to reduce infant classes to a maximum of 30 pupils.

Farming

15. **Mr. Hammond:** To ask the Secretary of State for Wales what representations he has received concerning farming in Wales since 1 March. [41428]

Mr. Win Griffiths: My right hon. Friend and I have received considerable numbers of representations, both written and oral, in respect of the condition of Welsh agriculture since the start of the crisis and continue to do so.

National Assembly

16. **Mr. Donald Anderson:** To ask the Secretary of State for Wales if he will make a statement on the work of the national assembly advisory group. [41429]

Mr. Ron Davies: The Group is making excellent progress in meeting the remit I have given to it; it published a detailed consultation document on 17 April and is currently seeking views on its proposals. I look forward to receiving its report in the summer.

Mr. Wigley: To ask the Secretary of State for Wales what consultation he is undertaking concerning the brief for architects for the competition to design the National Assembly building in Cardiff; what studies his Department is undertaking of new parliamentary buildings in other countries; and at what stage he will specify the financial parameters for the construction of the building. [42474]

Mr. Ron Davies: The Design Competition Assessment Panel will see the design brief before it issues.

Information on the broad principles for the Assembly Chamber has already been provided and was informed by reference to Parliament buildings in other countries.

The design brief which will be issued to the short listed Architects will indicate the financial parameters within which to cost the design.

Freight Transport

17. **Mr. Rhodri Morgan:** To ask the Secretary of State for Wales if he will make a statement on his freight transport strategy for Wales. [41430]

Mr. Ron Davies: The Government will publish shortly a UK Transport White Paper setting out our integrated transport policies, including measures to encourage and develop freight transport. At around the same time, I will publish a complementary Transport Policy Statement for Wales which will reflect the particular circumstances and transport needs in Wales.

We have already taken a significant step forward with the announcement on Monday of a new Eurofreight terminal in South Wales.

Rural Schools

19. **Mr. Ian Bruce:** To ask the Secretary of State for Wales what representations he has received concerning the closure of rural schools in Wales. [41432]

Mr. Hain: Since February 1998 I have answered 4 Parliamentary Questions and received correspondence from hon. Members, Directors of Education, parents and others.

Renewable Energy Sector

20. **Mr. Dafis:** To ask the Secretary of State for Wales what plans he has to encourage the growth of the renewable energy sector in Wales. [41433]

Mr. Hain: The Government's policy review of new and renewable energy is currently under way. It is considering various options for delivering 10 per cent. of electricity demand from renewable sources by 2010. The outcome will be announced later this year.

I certainly hope that Wales will be able to benefit further from opportunities presented by this review.

Local Government Finance

21. **Mr. Llwyd:** To ask the Secretary of State for Wales what assessment he has made of the implications of the changes to advance corporation tax in the current budget on the financing of local authorities in Wales; and if he will make a statement. [41434]

Mr. Win Griffiths: I refer the hon. Member to the answer that I gave to him on 7 May 1998, *Official Report*, column *479*.

Ambulance Service

22. **Miss McIntosh:** To ask the Secretary of State for Wales what representations he has received concerning the restructuring of the ambulance service in Wales. [41435]

Mr. Win Griffiths: A single ambulance trust for Wales was established on 1 April 1998. A summary of the representations that my right hon. Friend and I received during the public consultation period has been placed in the Library of the House. I also met a number of local representative groups including hon. Members, Trade Unions, Community Health Councils and Ambulance Services.

Great Western Trains

23. **Mr. Touhig:** To ask the Secretary of State for Wales what representations he has received from *(a)* Welsh businesses and *(b)* others on the impact of the recent punctuality record of Great Western trains between London and South Wales; and if he will make a statement. [41436]

Mr. Hain: My right hon. Friend and I have received a total of four representations, including one from a business in Wales. Over recent months we have become increasingly concerned about the marked deterioration in

the standard of Great Western services between London and South Wales. On 29 April I met senior representatives of both Great Western Trains and Railtrack to make clear my concern, particularly in view of the likely impact of late and unreliable trains on Wales and the Welsh economy. Both companies have undertaken to provide me with details of the steps which they will be taking to restore performance to an acceptable standard.

Agri-environmental Scheme

24. **Ms Lawrence:** To ask the Secretary of State for Wales if he will make a statement on the all-Wales agri-environmental scheme. [41437]

Mr. Win Griffiths: My right hon. Friend and I have received proposals for detailed management prescriptions for the new scheme which we are presently considering.

Public Health

25. **Mr. Martyn Jones:** To ask the Secretary of State for Wales what measures he has taken to improve public health in Wales. [41438]

Mr. Win Griffiths: In order to continue in our efforts to improve public health in Wales, last Thursday I launched the public health green paper "Better Health—Better Wales" which sets out the basis of our new approach and seeks views on how this can be taken forward.

Drug Misuse

26. **Mrs. Ann Winterton:** To ask the Secretary of State for Wales what steps his Department has taken to extend information on the dangers of drug misuse to primary schools. [41439]

Mr. Hain: The Welsh Office has issued circular guidance to schools "Drug Misuse: Prevention and Schools" (WO Circular 54/95). In partnership with health and social services, police and the community, schools have a responsibility to respond to drug misuse through appropriate education, including the teaching of certain aspects as part of the National Curriculum, and through appropriate management of incidents on school premises. The circular advocates that each school should have a drug prevention policy.

A Strategic Prevention Action Plan on Drugs and Alcohol in Wales was developed by the Welsh Drug and Alcohol Unit (WDAU) and launched in November 1997 by my hon. Friend as part of "Forward Together"—the Government's national strategy to combat drug and alcohol misuse in Wales. This includes the recommendation that substance misuse prevention activities should be targeted at children of primary age.

As part of its prevention campaign the WDAU has developed "Lets Talk" for children of primary school age. The "Lets Talk" resource, which is unique to Wales, consists of six comic strip postcards which depict situations where young people are likely to be introduced or exposed to drugs, solvents and alcohol. The postcards serve as a lively trigger to participative learning about substance misuse and related issues. A copy of this resource is currently being distributed to every school in Wales.

New Deal (Participating Companies)

27. **Mr. Hanson:** To ask the Secretary of State for Wales if he will make a statement on the number of companies participating in the new deal. [41440]

Mr. Hain: I am very encouraged by the enthusiastic response from employers.

In the South-West Wales Pathfinder area, where the programme has been in place since January, nearly 400 employers have pledged some 1,600 jobs. In the rest of Wales, we have received pledges from a further 400 employers, bringing the total number of opportunities to more than 2,000.

We will continue to ensure that the widest range of top quality placements are made available under the New Deal.

Transport Costs (Rural Areas)

28. **Mr. Gibb:** To ask the Secretary of State for Wales what representations he has received concerning the costs of running a car and access to public transport in rural Wales. [41441]

Mr. Hain: The Welsh Office received a large number of responses from individuals, local authorities and interested organisations on a wide range of transport issues affecting rural Wales as part of the consultation exercise last year on the development of an integrated transport policy. These responses have been taken into account in the preparation of a UK wide White Paper on integrated transport, which will be published shortly. At around the same time, a Welsh Transport Policy Statement will be published drawing out those issues of particular relevance and importance to Wales.

Child Care

29. **Ms Julie Morgan:** To ask the Secretary of State for Wales when he plans to produce his child care strategy for Wales. [41442]

Mr. Win Griffiths: I refer my hon. Friend to the reply given by my hon. Friend the Member for Newport, East (Mr. Howarth), on 12 May 1998, *Official Report*, column *85*. We will publish our proposals for the implementation of the child care strategy in Wales shortly.

Rough Sleepers Initiative

Mr. Llwyd: To ask the Secretary of State for Wales what representations he has received urging that funds be made available for a Rough Sleepers Initiative programme in Wales. [42225]

Mr. Win Griffiths: I have received representations from three sources. These were from my hon. Friends the Members for Preseli Pembrokeshire (Ms Lawrence) and for Gower (Mr. Caton), and from Shelter Cymru. They have all made representations that we should introduce a Rough Sleepers Initiative in Wales similar to that in England.

Our initial analysis of local authorities' Housing Strategies and Operational Plans shows that few have surveyed the level of rough sleeping or made any estimate of numbers. Nor has a case been made for substantial investment of capital. However, I believe that it is

important that all local authorities have the strategies and structures to respond to the needs of rough sleepers in their area, and my officials will be discussing this with authorities over the coming months.

We have said that we would welcome hard information about the level of rough sleepers from organisations other than local authorities, including Shelter Cymru, but we have received nothing substantial.

Consultation Papers

Mr. Gordon Prentice: To ask the Secretary of State for Wales if he will list the consultation papers published since 1 May 1997 giving the date of publication, closing date for submissions and the number of respondents. [42257]

Mr. Ron Davies: A list of the consultation papers issued from my Department since 1 May 1997 has been placed in the Library of the House.

Environmental Education

Mr. Gareth Thomas: To ask the Secretary of State for Wales if he will make a statement on the role of environmental education in Wales. [42308]

Mr. Win Griffiths: Environmental education has an important part to play in delivering our sustainable development policy. I am pleased to say that the Environmental Education Council for Wales, set up to develop and co-ordinate efforts to further environmental education, is developing an environmental education strategy for Wales and will launch the first phase of its environment Network centres this summer.

Euro (Teaching and Information Materials)

Mr. Denzil Davies: To ask the Secretary of State for Wales what steps he is taking to monitor the content of teaching and information materials about the Euro currency funded by the European Commission supplied to schools in Wales and to ensure its compliance with the terms of the Education Act 1996. [42680]

Mr. Hain: It is important that there is a full understanding of the euro currency but under section 407 of the Education Act 1996 schools must offer a balanced presentation of political issues.

Factory (Buckley)

Mr. Barry Jones: To ask the Secretary of State for Wales what progress has been made in finding a tenant for the factory at Drury, Buckley in Flintshire which was previously occupied by the Optec D.D. [42453]

Mr. Hain: As I indicated in my reply to my hon. Friend on 25 March 1998, *Official Report*, column *172*, the Welsh Development Agency is actively marketing the company's premises at Buckley and will continue to do so until a tenant has been found.

Training and Enterprise Councils

Mr. Rowlands: To ask the Secretary of State for Wales (1) how many modern apprenticeships will be available in each training and enterprise council area for 1998–99; [42682]

(2) what will be the budget for each training and enterprise council in Wales for 1998–99; and if he will indicate the change in the Budget in money and percentage terms compared with those of 1997–98. [42683]

Mr. Hain: I will write to my hon. Friend with this information when contracts with TECs for 1998–99 have been finalised, and place a copy of my reply in the Library of the House.

Agricultural Grants and Payments

Mr. Wigley: To ask the Secretary of State for Wales if he will list the terms of reference for the consultants he has engaged to make recommendations on a new system of administering agricultural grants and payments in Wales; and if he will make a statement. [42434]

Mr. Win Griffiths: The terms of reference of the study, as set out in my right hon. Friend's letter of 15 March to all Welsh MPs, a copy of which has been placed in the Library of the House are

"to assess the cost-effectiveness of options for Common Agricultural Policy administration in Wales which deliver a bi-lingual service to farmers that meets the Department's objectives and the standards set out in the Charter Standard for Farmers in Wales, and complies with the requirements of EC regulations."

Public Appointments

Jackie Ballard: To ask the Secretary of State for Wales when his Department's action plan for increasing the number of women holding public appointments will be published; and if he will place a copy in the Library. [42875]

Mr. Ron Davies: My Department's action plan to increase the number of women holding public appointments in Wales will be published shortly. Copies will be placed in the Library of the House.

AGRICULTURE, FISHERIES AND FOOD

Antibiotics

Mr. Flynn: To ask the Minister of Agriculture, Fisheries and Food what action he proposes to reduce the use of antibiotics in farming. [41615]

Mr. Rooker: We take this matter very seriously and are considering very carefully the recent reports of the Select Committee on Agriculture and the House of Lords Select Committee on Science and Technology.

As with all such matters, our policy will be based on the best available scientific advice. The independent scientific Veterinary Products Committee will be considering the use of antibiotics in animal production at its meeting on 18 June, and the Advisory Committee on the Microbiological Safety of Food is expected to report later in the year.

I invited the noble Lord who chairs the House of Lords Select Committee, Lord Soulsby of Swaffham Prior, to meet me and officials for a preliminary discussion a few days after the report was published. We had a useful discussion.

Research Stations

Mr. Livsey: To ask the Minister of Agriculture, Fisheries and Food (1) how many staff were made redundant from agricultural research stations in England and Wales in each year between 1980 and 1997; [42295]

(2) if he will list the agricultural research stations that were privatised in England and Wales in each year between 1980 and 1997; [42296]

(3) if he will list the agricultural research stations in England and Wales that were closed in each year between 1980 and 1997; what was the total number of closures and the location of each closed centre. [42294]

Mr. Rooker: ADAS, the Agricultural Development and Advisory Service and formerly a "Next Steps" Agency of MAFF, was privatised on 1 April 1997. It now operates as ADAS Consulting Ltd. There have been no other privatisations of Ministry-owned agricultural research stations in the period specified. As part of the privatisation, laboratories and offices at Wolverhampton were sold to the new company. It also currently leases a number of research stations from MAFF, as set out in the table.

Research stations	
Arthur Rickwood	Cambridgeshire
Boxworth	Cambridgeshire
Bridgets	Hampshire
Brimstone Farm	Oxfordshire
Drayton (part only)	Warwickshire
Gleadethorpe	Nottinghamshire
High Mowthorpe	Yorkshire
Pwllpeiran	Dyfed
Redesdale	Northumberland
Rosemaund	Hereford
Terrington	Norfolk

The following Ministry-owned agricultural research stations were closed in the years noted:

Research stations	*Closed*
Great House Experimental Husbandry Farm, Rossendale, Lancs	1981
Rosewarne Experimental Horticulture Station, Camborne, Cornwall	1989
Lea Valley Experimental Horticulture Station, Hoddesdon, Herts	1989
Luddington Experimental Horticulture Station, Nr Stratford on Avon	1989
Liscombe Experimental Husbandry Farm, Nr Dulverton, Devon	1989
Brogdale Experimental Horticulture Station, Nr Faversham, Kent	1990
The Cattle Breeding Centre, Shinfield, Nr Reading, Berkshire	1991
Trawgoed Experimental Husbandry Farm, Nr Aberystwyth, Dyfed	1993

Note:
The Trawsgoed Experimental Husbandry Farm was sold to the then Agriculture and Food Research Council and is now part of the Institute of Grassland and Environmental Research.

A number of laboratories, listed in the table, were closed during the period specified. In most cases the work was transferred to other facilities, with some minor research or analytical work continuing to a later date.

Research stations	*Closed*
Shardlow, Nottingham	1980
Bangor, North Wales	1985
Cardiff, Glamorgan	1985
Bristol	1988
Leeds	1993
Wye, Kent	1993
Starcross, Nr Exeter	1993
Reading	1995
Newcastle	1995
Cambridge	1995
Trawsgoed, Nr Aberystwyth	1995

I regret that records of the number of any individuals made redundant as a result of particular closures of former ADAS sites are no longer held by MAFF.

Veterinary Inspection Centres

Mr. Livsey: To ask the Minister of Agriculture, Fisheries and Food (1) if he will list the veterinary inspection centres in England and Wales that were closed in each year between 1980 and 1997, the overall aggregate number and the location of each centre closed; [42305]

(2) how many staff were made redundant from veterinary inspection centres in England and Wales in each year between 1980 and 1997. [42306]

Mr. Rooker: The information requested is a matter for the Veterinary Laboratories Agency. I have asked its Chief Executive to reply to the hon. Member direct.

Letter from T. W. A. Little to Mr. Richard Livsey, dated 20 May 1998:

The Minister has asked me to reply to your request for a list of Veterinary Investigation Centres (VICs) that were closed in each year between 1980 and 1997.

The attached table lists the VICs that were closed between these dates as well as new ones opened.

Centres were closed and new ones opened as follows:

Year	*Closed*	*Opened*	*Total*
1980			24
Aberystwyth			
Bangor			
Barton Hall (Preston—moved from Liverpool)			
Cambridge			
Cardiff			
Carmarthen			
Gloucester			
Langford (Bristol)			

Centres were closed and new ones opened as follows:

Year	*Closed*	*Opened*	*Total*
Leeds Lincoln Moulton (Northampton) Newcastle Norwich Penrith Reading Shrewsbury Starcross (Exeter) Sutton Bonington (Loughborough) Thirsk Truro Weybridge Winchester Worcester Wye (Kent)			
1981	Weybridge		23
1982		Chester (Sub centre of Shrewsbury)	24
1983			24
1984			24
1985			24
1986	Cardiff Chester Gloucester Leeds Moulton (Northampton)		19
1987			19
1988			19
1989			19
1990			19
1991	Bangor Lincoln Wye (Kent)		16
1992			16
1993	Cambridge Norwich Worcester	Bury St. Edmunds Luddington (Stratford-upon-Avon)	15
1994	Reading		14
1995-98 Aberystwyth Barton Hall (Preston) Bury St. Edmunds Carmarthen Langford (Bristol) Luddington (Stratford-upon-Avon) Newcastle Penrith Shrewsbury Starcross (Exeter) Sutton Bonington (Loughborough) Thirsk Truro Winchester			14

Letter from T. W. A. Little to Mr. Richard Livsey, dated 20 May 1998:

The Minister has asked me to reply to your request for information on how many staff were made redundant from Veterinary Investigation Centres (VICs) in each year between 1980 and 1997.

The VICs merged with the Central Veterinary Laboratory (CVL) in October 1995 to form the Veterinary Laboratories Agency (VLA). Staff made redundant in VICs since the merger are as follows:

1996–97: 5 redundancies

1997–98: 0 redundancies.

Sheep Dip

Mr. Llwyd: To ask the Minister of Agriculture, Fisheries and Food how many people have been recorded as having died as a result of exposure to sheep dip in each of the last 10 years. [42239]

Mr. Rooker: Under the suspected adverse reaction surveillance scheme, officials at the Veterinary Medicines Directorate are aware of a total of four deaths in connection with organophosphate sheep dips since the records were computerised in 1984.

Public Bodies

Jackie Ballard: To ask the Minister of Agriculture, Fisheries and Food (1) what is the average attendance fee of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department; [42833]

(2) what is the average salary of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department. [42832]

Mr. Morley: The majority of board members of non-departmental public bodies give their time and services voluntarily and receive no payment other than normal travel and subsistence expenses. Where members do receive remuneration, this can vary between an annual salary, an honorarium or an attendance fee (which itself can be a daily rate of a half-daily rate, or calculated on a per meeting or per case basis). Individuals' remuneration therefore is not directly comparable. Full details of all payments to board members of non-departmental bodies, by gender, are given in the Cabinet Office publication "Public Bodies". Copies of "Public Bodies 1997" are available in the Library of the House.

Flood Defence

Ms Keeble: To ask the Minister of Agriculture, Fisheries and Food what information was held by his Department on the state of flood defences prior to the current exercise by the Environment Agency to compile an asset register of flood defences. [42384]

Mr. Morley: This Department holds a summary of the results of the survey of sea and tidal defences undertaken by the Environment Agency's predecessor body (the National Rivers Authority). With regard to inland flood defences, I refer my hon. Friend to the reply I gave on 8 May 1998, *Official Report*, column *516*. A central national record of the state of repair of inland flood defences does not exist.

Ms Keeble: To ask the Minister of Agriculture, Fisheries and Food when the Environment Agency began compiling its asset register of flood defences; and when it expects to finish it. [42381]

Mr. Morley: Regions of the Environment Agency (and its predecessor bodies) have held information on the condition of flood defence assets for many years. However the first nationally consistent survey of sea defence assets, covering 805 km of coastline, was undertaken in 1991. In April 1997 the Agency introduced the national Flood Defence Management System for the identification, justification and prioritisation of programmes of work; an asset register of defences is included in this computer system. The Agency expects to complete the major exercise of converting existing data, collecting up-to-date information and collating in to the system on some 35,000 km of "main" river flood defence assets by 2000.

Inquiries for Information

Mr. Sanders: To ask the Minister of Agriculture, Fisheries and Food if his Department operates a monitoring exercise of persistent inquirers for information. [42631]

Mr. Morley *[holding answer 19 May 1998]:* Although requests for information under the Code of Practice on Access to Government Information are routinely monitored, it has not been found necessary to introduce specific procedures for persistent inquiries. The Department and its agencies follow the guidance on interpretation of the Code issued by the Office of Public Service.

Quarantine Kennels

Mr. Gale: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 13 May 1998, *Official Report*, column *145*, on quarantine kennels, what were the findings of his inspectors' visits to the quarantine kennels named in the television programme transmitted on 5 May; and what action will be taken by his Department as a result of those visits against *(a)* those responsible for the conditions and *(b)* his Department's veterinary officers. [42688]

Mr. Rooker *[holding answer 19 May 1998]:* Dover and Folkestone Quarantine Kennels was inspected on 6 May. Following this inspection, the authorisation of part of the premises was withdrawn. Minor deficiencies were found in the remainder of the premises and the owner has been required to carry out remedial work by 18 May. Rutland Quarantine Kennels was inspected on 7 May. The premises were found to comply with the standard requirements relating to disease security.

The allegations made about conditions in these premises at the time of filming are still under investigation.

Milk Marque

Mr. Laurence Robertson: To ask the Minister of Agriculture, Fisheries and Food what plans he has to review the rules governing the way Milk Marque operates, with particular reference to the way it sells milk; and if he will make a statement. [42481]

Mr. Rooker: The competition authorities are responsible for these matters. At the request of the Director General of Fair Trading, the Monopolies and Mergers Commission are currently examining the supply of raw milk in Great Britain.

Farming Issues (Discussion Forums)

Mr. Laurence Robertson: To ask the Minister of Agriculture, Fisheries and Food what forums exist for the discussion of farming issues between the Government, farmers and other connected parties; and what plans he has to create additional forums. [42489]

Mr. Rooker: Ministers and officials meet farmers and other organisations on a regular basis to discuss issues of interest to them. In addition farmers and others are represented in: Meetings by Ministers on regional tours; Regional Liaison Groups, chaired by Regional Directors; National Agri-Environmental Forum and Regional Agri-Environmental Consultation Groups; County Targeting meetings for the Countryside Stewardship Scheme; Regular Environmentally Sensitive Area (ESA) Agreement Holders meetings; Liaison Group meetings for Individual ESAs; Pesticides Forum; and other forums for discussion.

Food Standards Agency

Mr. Laurence Robertson: To ask the Minister of Agriculture, Fisheries and Food what jurisdiction the Food Standards Agency will have over the production of foreign food imported into the United Kingdom; and if he will make a statement. [42486]

Mr. Rooker: The Food Safety Act 1990 requires that all food offered for sale in this country must comply with food safety requirements. The proposed Food Standards Agency will have no jurisdiction over the production of food in other countries. It will negotiate in the EU and other international bodies to ensure that the high regulatory standards which apply to producers in this country are fully reflected in the legal framework which governs international trade in food.

Common Agricultural Policy

Mr. Laurence Robertson: To ask the Minister of Agriculture, Fisheries and Food what representations he has made to European Commission officials dealing with the CAP about the levels of prices for products paid to British farmers. [42485]

Mr. Rooker: We maintain regular contact with the European Commission on all matters regarding the CAP mechanisms which influence the prices received by British farmers for their products.

Badgers

Mr. Laurence Robertson: To ask the Minister of Agriculture, Fisheries and Food what discussions he has had with farmers relating to diseased badgers. [42484]

Mr. Rooker: I met representatives from the National Farmers Union on 19 May to discuss implementation of the Krebs report on TB in cattle and badgers.

Mr. Laurence Robertson: To ask the Minister of Agriculture, Fisheries and Food if he will assess the advantages of extending the right of farmers to cull diseased badgers; and if he will make a statement. [42483]

Mr. Rooker: Badgers are protected under the Protection of Badgers Act 1992 and may not be killed, taken or their setts interfered with except under licence. The Report on bovine tuberculosis in cattle and badgers by Professor Krebs and the Independent Scientific Review Group makes clear that there is at present no scientific basis for a general policy of killing badgers to control bovine TB. It recommends a proper experimental study to determine the effectiveness of badger culling as a disease control strategy. We are planning such a study and have meanwhile brought to an end the "interim strategy" of limited badger culling by Ministry staff. In the light of the Krebs report, we see no basis for issuing licences to farmers to kill badgers to prevent the spread of bovine TB to cattle.

Green Pound

Mr. Laurence Robertson: To ask the Minister of Agriculture, Fisheries and Food what representations he has received from farmers about the revaluation of the green pound from 1999. [42482]

Mr. Rooker: We have received a number of representations from farmers and organisations representing farmers regarding the introduction of new agrimonetary arrangements from 1 January 1999. We remain in close contact with all interested organisations on this subject.

Rendering Subsidies

Mr. Laurence Robertson: To ask the Minister of Agriculture, Fisheries and Food what plans he has to re-introduce the rendering subsidy. [42487]

Mr. Rooker: None. The objective of the rendering industry support was to avert the disorderly collapse of the red meat/animal waste chain in the immediate aftermath of the BSE crisis in March 1996. This objective was achieved.

Whaling

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food what action he is taking in respect of the plans by Iceland to resume whaling described as scientific whaling. [42168]

Mr. Morley: I intend to raise this issue with the Icelandic Fisheries Minister when I visit Reykjavik later this month. I shall make clear our opposition to any possible resumption of whaling.

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food what action he is taking to influence the Norwegian and Japanese Governments in respect of their whaling policy. [42169]

Mr. Morley: My Government colleagues and I take every opportunity to draw to the attention of the Japanese and Norwegian Governments our continuing opposition to their whaling activities. The United Kingdom delegation

will be making our views very clear at the meeting of the International Whaling Commission that is currently taking place in Oman.

FOREIGN AND COMMONWEALTH AFFAIRS

Public Bodies

Jackie Ballard: To ask the Secretary of State for Foreign and Commonwealth Affairs when his Department's action plan for increasing the number of women holding public appointments will be published; and if he will place a copy in the Library. [42849]

Mr. Tony Lloyd: This Department's action plan will be published shortly. Copies will be placed in the Library of the House.

Jackie Ballard: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what is the average salary of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department; [42847]

(2) what is the average attendance fee of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department. [42848]

Mr. Tony Lloyd: The majority of board members of non-departmental public bodies give their time and services voluntarily and receive no payment other than normal travel and subsistence expenses. Where members do receive remuneration, this can vary between an annual salary, an honorarium, and an attendance fee (which itself can be a daily rate or a half-daily rate, or calculated on a per meeting or per case basis). Individuals' remuneration therefore is not directly comparable. Full details of all payments to board members of non-departmental bodies, by gender, are given in the Cabinet Office publication "Public Bodies".

Staff Car Mileage Allowance

Mr. Stunell: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the total number of staff of all grades employed by his Department; and what percentage of these staff were eligible to claim a car mileage allowance on 31 March in each year since 1990. [42550]

Mr. Tony Lloyd: The total complement of UK-based staff in all grades employed by the Foreign and Commonwealth Office on 31 March in each year since 1990 are listed in the following table:

Year	*Number*
1990	6,605
1991	6,730
1992	6,646
1993	6,546
1994	6,346
1995	6,050
1996	5,904
1997	5,800
1998	5,800

All staff with a valid driving licence and vehicle insurance are eligible to claim car mileage allowance when using their private vehicles for travel on official business. The Department does not record the number of staff who hold such documents.

Congo

Mr. Swayne: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on human rights in the Congo and the expulsion of UN representatives. [42799]

Mr. Tony Lloyd: We deeply regret the circumstances which necessitated the UN Secretary-General's decision to withdraw the UN inquiry team which had been investigating alleged human rights violations since 1993 in the Democratic Republic of the Congo. We and our partners in the EU consistently urged the Congolese authorities to ensure the fullest co-operation with the inquiry team. Despite some improvements, the team never enjoyed full co-operation. We fully endorsed the decision to withdraw the team, but did so with considerable regret, as we believe a thorough and impartial investigation into human rights violations could make a valuable contribution to long term stability, security and sustainable development in the Democratic Republic of the Congo and the Great Lakes region as a whole.

Kenya and Uganda

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will take further steps to assist the Governments of *(a)* Kenya and *(b)* Uganda to resolve conflicts in their countries. [42397]

Mr. Tony Lloyd: We have consistently urged the Government of Kenya. and political parties in Kenya, to avoid confrontation, and violence, and to pursue political dialogue on Kenya's further democratic development.

We do not believe there can be a purely military solution to the problems of Northern and Western Uganda. We have urged the Government of Uganda to pursue opportunities for dialogue as a means of resolving these conflicts. We are always prepared to consider the merits of requests for practical assistance with conflict prevention and resolution, in Africa and elsewhere.

Information

Mr. Sanders: To ask the Secretary of State for Foreign and Commonwealth Affairs if his Department operates a monitoring exercise of persistent inquirers for information. [42639]

Mr. Tony Lloyd *[holding answer 19 May 1998]:* The FCO does not operate a policy of monitoring persistent inquirers. The FCO's Open Government Unit routinely logs and monitors all formal requests for information received under the Code of Practice on Access to Government Information. This is to ensure that each inquiry is correctly answered on a case by case basis within the twenty working day target. These statistics (which do not include names) are also required for inclusion in the annual Report on the working of the Code of Practice, which is co-ordinated and published by the Cabinet Office. In 1997 the FCO dealt with 55 formal requests, 48 of which (87.3%) were answered within the deadline.

Regional and Minority Languages

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs when he expects to sign the Convention on Minority Languages. [41427]

Mr. Tony Lloyd: I refer my hon. Friend to the answer I gave to the hon. Member for St. Ives (Mr. George) on 5 May 1998, *Official Report*, column *341*.

HEALTH

Mental Health Services

Dr. Tonge: To ask the Secretary of State for Health if he will make a statement on the means by which primary care groups are able to purchase appropriate mental health services, including counselling and psychotherapy for their patients. [23465]

Mr. Boateng: Primary Care Groups will provide a direct means by which general practitioners, their primary care team and community nurses, working in co-operation with health authorities, and other health and social care professionals, will lead the process of securing appropriate, high quality care for local people. Commissioning of all services will be determined in accordance with national priorities and local health improvement programmes.

School Nursing

Audrey Wise: To ask the Secretary of State for Health what research he has *(a)* commissioned and *(b)* evaluated into the (i) short-term and (ii) long-term outcome of various patterns of school nursing provision. [25024]

Mr. Boateng: Research has been commissioned into the effectiveness of school entry nurse health checks and consideration is being given to a further study of the effectiveness of health checks undertaken by nurses in school. There are also specific studies into the trial of an injury prevention programme in primary schools and into service support for children with special health needs attending mainstream schools which may reflect outcomes associated with school nurse involvement. The results will assist evaluation of how the health care needs of children in community settings may best be met.

Alternative Health Register

Mr. Tredinnick: To ask the Secretary of State for Health what plans he has to establish an alternative health register; and when. [27360]

Ms Jowell: The statutory register for osteopaths, established under the Osteopaths Act 1993, opened on 9 May. Arrangements for the opening of the statutory register for chiropractors, to be established under the Chiropractors Act 1994, are in preparation, but we are not yet in a position to say when it will open.

We have no plans to regulate by statute other complementary therapy groups, some of which maintain, on a voluntary basis, a register of their membership.

Conferences

Mr. Gordon Prentice: To ask the Secretary of State for Health how many of his officials attended conferences *(a)* in the United Kingdom and *(b)* overseas; and how many and what percentage made (i) oral and (ii) written contributions to the matters under discussion in the last 12 months for which figures are available. [31174]

Ms Jowell: The information available is shown in the table.

	United Kingdom conferences	*Overseas conferences*
Officials attended conferences between 1-2-97 and 1-2-98 (totals)	1,559	250
Number of officials who made oral contributions at those conferences (totals)	851	177
Percentage	55	71
Number of officials who made written contributions to those conferences (totals)	266	75
Percentage	17	30

The Department does not maintain centralised records of individual attendance of conferences. The information provided in the table was obtained through a trawl of officials' diaries and is the best available. Only conferences which were organised from outside the Department are included. Where an official attended more than one conference during the year the figure included in the table reflects the number of conferences attended. The Department values officials participating in selected conferences to share knowledge and keep up to date with relevant developments and to ensure, in the international context, that the United Kingdom perspective is adequately represented.

Unpasteurised Milk

Mr. Singh: To ask the Secretary of State for Health if he will estimate the number of people made ill over the last 10 years by *(a)* unpasteurised milk and *(b)* its products. [31306]

Ms Jowell: The majority of cases of food poisoning are sporadic and the vehicle of infection is not known. Cases may also occur as part of outbreaks and for some of these the vehicle of infection may be established. Information on the number of people affected in general outbreaks of infectious intestinal disease in England and Wales associated with *(a)* unpasteurised milk, and *(b)* its products can be found in a detailed table, copies of which have been placed in the Library.

Elderly People

Mr. Hunter: To ask the Secretary of State for Health, pursuant to his answer of 13 February 1998, *Official Report*, column *432*, if he will introduce measures to require social services to backdate financial assistance for elderly people living in residential or nursing homes who did not claim assistance immediately their savings fell below £16,000 because they were unaware that assistance was available. [31873]

Mr. Boateng: We have no plans to introduce backdating provisions for financial assistance for elderly people in residential care or nursing homes to cover a period before they were assessed by the social services department as requiring such care.

Dental Services (East Midlands)

Sir Richard Body: To ask the Secretary of State for Health if he will list the ratio of dentists to population in the area of each health authority in the East Midlands. [32001]

Mr. Milburn: The information requested is given in the table.

General Dental Service: population per dentist on health authority lists at 31 December 1997. Trent Regional (East Midlands)

Health Authority	*Number of persons per dentist on health authority lists*
Barnsley	3,607
South Humber	4,264
Doncaster	3,172
Leicestershire	3,526
Lincolnshire	4,631
North Derbyshire	3,673
North Nottinghamshire	3,799
Nottingham	3,007
Rotherham	3,596
Sheffield	2,914
South Derbyshire	3,348

3M Capital Hip System

Mr. Reed: To ask the Secretary of State for Health what advice he received from the Medical Devices Agency about the 3M Capital Hip system. [31978]

Mr. Milburn: In January 1998 we were advised of the anecdotal information on the poor performance of the Capital hip system and that the Medical Devices Agency (MDA) was investigating the clinicians' experience at several United Kingdom centres. We have been regularly updated on the latest information as it has become available to the MDA. Conclusive data confirming the unacceptably high rates were established in February 1998 by the MDA. Advice to the National Health Service was issued as a Hazard Notice on 18 February 1998.

Ambulance Service

Dr. Lynne Jones: To ask the Secretary of State for Health if response times of ambulances to emergency calls are monitored from the time the call is received or from the time the call is answered. [35097]

Mr. Milburn: Until recently ambulance services varied in when they started recording response times. However, from 1 April 1998 ambulance response times are monitored from when the following essential details are obtained:

i) the caller's telephone number

ii) the exact location of the incident

iii) the nature of the chief complaint.

This is set out in the "Review of Ambulance Performance Standards—Final Report" (July 1996), copies of which are in the Library.

Reviews

Mr. Maples: To ask the Secretary of State for Health if he will list the reviews instituted in his Department since 1 May 1997; what is the estimated cost of the reviews; and which reviews have reported and when the others will be completed. [41553]

Ms Jowell: I refer the hon. Member to the answer given to the hon. Member for Teignbridge (Mr. Nicholls) on 14 May 1998, *Official Report*, columns *207–08*.

In addition, three reviews instituted in the Department since 1 May 1997 have already reported. Information on these reviews is set out in the table.

Review	*Date of report*	*Costs £*
Review of the breast screening programme in Devon and the implications for the breast cancer screening programme as a whole	3 November 1997	[1]11,700
Strategic review of health services in London	18 November 1997	[2]90,000
Independent review of proposals for the transfer of bulk blood processing from Liverpool to Manchester	8 April 1998	[2]3,600

[1] Costs include officials' time since in this case they can be differentiated from the normal running costs of Departmental business

[2] Costs exclude officials' time since they cannot be differentiated from the normal running costs of Departmental business

Public Bodies

Jackie Ballard: To ask the Secretary of State for Health (1) what is the average salary of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department; [42826]

(2) what is the average attendance fee of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department. [42827]

Mr. Milburn: Full details of all payments to members of non-departmental public bodies are given in the Cabinet Office publication, *Public Bodies* 1997, copies of which are available in the Library.

Complementary Medicine

Mr. Tredinnick: To ask the Secretary of State for Health if he will make complementary medicine therapies more readily available under the NHS to those on lower incomes. [42566]

Ms Jowell: Health authorities are able to include complementary therapies within the range of services commissioned to meet local health needs, if they wish to do so. No charges are made to patients for such services when provided in the National Health Service. Access to NHS services is based on clinical need, not the patient's ability to pay.

Availability of complementary therapies within the NHS reflects, therefore, the decisions taken locally by health authorities and general practitioners about the clinical and cost effectiveness of such services, and the priority to be given to their provision in the light of other competing demands for the resources made available for local health needs.

NHS Estates Agency

Mr. Goggins: To ask the Secretary of State for Health if he will publish the corporate plan and key tasks and targets for 1998–99 for the NHS Estates Agency. [43179]

Mr. Milburn: I have agreed the Agency's corporate plan, and key tasks and targets for 1998–99 and have placed copies in Library.

Kent and Canterbury NHS Trust

Mr. Campbell-Savours: To ask the Secretary of State for Health (1) to what extent problems over cervical screening arrangements in the NHS contributed to the retirement of Mr. Edward Pearson as Chief Executive of the Kent and Canterbury NHS Trust; [42290]

(2) if Mr. Edward Pearson, Chief Executive of Kent and Canterbury NHS Trust, has been questioned by his Department on his role in problems that arose in the area of cervical screening in Kent; [42291]

(3) if Mr. Edward Pearson, former Chief Executive of the Kent and Canterbury NHS Trust, received a full pension entitlement on his retirement in June 1997. [42292]

Mr. Milburn: Sir William Wells, Chair of the National Health Service Executive South Thames Regional Office, led an independent review on cervical screening at Kent and Canterbury Hospitals NHS Trust which was published in October 1997. Mr. Edward Pearson was interviewed as part of this review.

On 7 July 1997, Mr. Pearson took early retirement because, as Chief Executive, he felt personally accountable for what happened at the hospital. Mr. Pearson received a pension in accordance with the regulations set out in the NHS superannuation scheme.

Mr. Campbell-Savours: To ask the Secretary of State for Health if Mr. James Bird, former chairman of the Kent and Canterbury NHS Trust, received any consideration on his retirement as chairman. [42293]

Mr. Milburn: Mr. Bird was entitled to receive appropriate remuneration as trust chairman up to and including his last day in office. He did not receive, nor was he entitled to receive, any additional consideration on standing down.

Watford and St. Vernon Hospital

Mr. Page: To ask the Secretary of State for Health what proposals he has received for the closure of the Watford and St. Vernon hospital. [42645]

Mr. Milburn: None.

TREASURY

Individual Savings Account

Dr. Gibson: To ask the Chancellor of the Exchequer when he expects to issue the regulations for the operation of ISAs. [40244]

Mr. Geoffrey Robinson: The Inland Revenue are today publishing draft tax regulations for consultation. Copies are available in the Libraries of both Houses. Responses are sought by 26 June and we intend to lay final regulations before the House of Commons in July.

Euro

Mr. Bercow: To ask the Chancellor of the Exchequer for how long national mints of states participating in EMU will continue to print and mint distinctive national versions of the single currency; and what effect non-repatriation of banknotes to country of origin will have on this. [41477]

Mrs. Liddell *[holding answer 12 May 1998]:* No time limit has been placed on the national mints of member states participating in the single currency minting distinctive national versions of the euro coin.

Those countries joining the single currency on 1 January 1999 have opted not to have distinctive national features on their euro notes. Thus non-repatriation of euro banknotes will not be an issue.

Mr. Bercow: To ask the Chancellor of the Exchequer, pursuant to his answer of 7 April 1998, *Official Report*, column *150*, what quantity of the metal known as Nordic Gold will be required for the single currency coinage; and from what source it will be acquired. [41579]

Mrs. Liddell *[holding answer 12 May 1998]:* Mint Directors of the EU member states have estimated that the approximate quantity of Nordic Gold required to mint the euro coins would be 140,000 tonnes for all 15 EU member states. Nordic Gold is derived principally from Copper which is readily available.

Mr. Bercow: To ask the Chancellor of the Exchequer, pursuant to his answer of 18 February 1998, *Official Report*, column *689*, to the hon. Member for Ludlow (Mr. Gill), what volume of bulk redistribution of euro banknotes he estimates will occur in the euro zone; and what factors will lead to such redistribution. [41510]

Mrs. Liddell *[holding answer 12 May 1998]:* The Chancellor has made no estimation of the volume of bulk redistribution of euro banknotes that might occur between countries in the euro zone. The European Central Bank, together with the national central banks of those countries joining the single currency will be responsible for monitoring the situation.

Parliamentary Questions

Mr. Lilley: To ask the Chancellor of the Exchequer (1) if he will publish the internal guidelines in use by his Department on 7 May 1997 on the manner of responding to written Parliamentary questions; [41954]

(2) if he will publish the internal guidelines currently used by his Department on the manner of responding to written parliamentary questions indicating any changes made since 7 May 1997. [42040]

Mr. Geoffrey Robinson *[holding answer 14 May 1998]:* I refer the right hon. Gentleman to the answer which the Prime Minister gave him on 19 May 1998, *Official Report*, column *314*.

"European Community Finances"

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer, pursuant to his Department's paper, "European Community Finances", if he will calculate the United Kingdom's net payments to European Community institutions in 1998–99, on the same basis as the figures

given for European Communities' expenditure in Table B18, page 128 of the Financial Statement and Budget Report, March 1998. [41979]

Mrs. Liddell *[holding answer 18 May 1998]:* The figure for 1998–99 given in Table B18 of the Financial Statement and Budget Report, March 1998, represents the latest estimate of trended net payments to EC Institutions for that year. There are no plans to recalculate and publish this figure on a trend basis. The Government are, however, currently assessing more detailed cash flow figures for 1998–99. These will be published as part of the Comprehensive Spending Review.

Public Bodies

Jackie Ballard: To ask the Chancellor of the Exchequer (1) what is the average salary of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department; [42850]

(2) what is the average attendance fee of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department. [42851]

Mrs. Liddell: The majority of board members of non-departmental public bodies give their time and services voluntarily and receive no payment other than normal travel and subsistence expenses. Where members do receive remuneration, this can vary between an annual salary, an honorarium or an attendance fee (which itself can be a daily rate or a half-daily rate, or calculated on a per-meeting or per-case basis). Individuals' remuneration therefore is not directly comparable. Full details of all payments to board members of non-departmental bodies, by gender, are given in the Cabinet Office publication "Public Bodies". Copies of "Public Bodies 1997" are available in the Libraries of the House.

Public Appointments

Jackie Ballard: To ask the Chancellor of the Exchequer when his Department's action plan for increasing the number of women holding public appointments will be published; and if he will place a copy in the Library. [42852]

Mrs. Liddell: The Treasury's action plan will be published shortly. Copies will be placed in the Libraries of the House.

Vehicle Excise Duty

Mr. McWalter: To ask the Chancellor of the Exchequer if he will reduce rates of vehicle excise duty on powered two-wheel vehicles; and if he will set a zero rate for vehicles with engines under 50 cc. [42329]

Dawn Primarolo: The Chancellor will make his proposals for vehicle excise duty rates in the next Budget in the light of the consultation on vehicle excise duty that he announced in his last Budget.

Written Answers to Questions

Thursday 21 May 1998

ENVIRONMENT, TRANSPORT AND THE REGIONS

Dilapidated Housing

Mr. Ennis: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to assist with the renovation of dilapidated housing stock in *(a)* Barnsley and *(b)* Doncaster. [42655]

Mr. Raynsford: It is for local authorities to decide how best to apply the resources available to them for investment in housing to meet local needs and priorities. The table shows resources allocated by the Government for housing in 1998–99 to the Metropolitan Borough Councils of Barnsley and Doncaster:

£ million

	Barnsley	*Doncaster*
(i) Housing Annual Capital Guidelines	2,905	3,137
(ii) Private Sector Renewal support grant	700	775
(iii) Disabled Facilities Grant	284	345
(iv) Capital Receipts Initiative	3,035	3,424

In Doncaster, we are supporting ongoing Estate Action work to renovate housing in Stainforth and Dunscroft villages and SRB Challenge Fund projects which include renovation of housing in the Balby and Northern Corridor areas.

Thames River Crossings

Mr. Fitzpatrick: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received from *(a)* local hon. Members, *(b)* local authorities, *(c)* private sector businesses and *(d)* other organisations on Thames river crossings. [42797]

Ms Glenda Jackson: Between 1 May 1997 and 1 May 1998, a total of 176 written representations about new East Thames River Crossings were received. They can be categorised as follows: *(a)* 15 from local hon. Members, *(b)* 61 from local authorities, *(c)* 107 from private sector businesses and *(d)* 93 from other organisations.

East Thames Appraisal Framework

Mr. Fitzpatrick: To ask the Secretary of State for the Environment, Transport and the Regions when the East Thames Appraisal Framework results and the Secretary of State's consequent decision will be published. [42796]

Ms Glenda Jackson: We are currently considering the case for new river crossings east of Tower Bridge following an assessment of options using the East Thames Appraisal Framework (ETAF). No decisions have yet been taken. The ETAF results will be made available in due course.

Planning Applications

Mr. Key: To ask the Secretary of State for the Environment, Transport and the Regions in each of the years from 1992 to 1997 how many planning applications in England were referred to his Department *(a)* because they were applications raising issues of more than local significance, *(b)* following referral by the local planning authority as proposals which depart from the local development plan and *(c)* following voluntary referral by the local planning authority; and how many in each category were called in. [42153]

Mr. Raynsford *[holding answer 18 May 1998]:* Information is readily available only in the form set out as follows from 1995 onwards. The approximate total number of planning applications referred to this Department as departures from the local development plan, and the total number of planning applications called in, in each of the years from 1995/96 to 1997/98 are as shown. The figures for departure applications include applications referred under the "Shopping" Directions in the West Midlands and South West Regions. Information on departures for 1992 to 1994 could be obtained only at disproportionate cost.

Year	*Departures*	*Call-ins*
1995–96	1,010	144
1996–97	985	139
1997–98	1,088	147

London Assembly

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions if an environmental appraisal was produced for the 'A Mayor and Assembly for London' White Paper. [42665]

Mr. Raynsford: Our Green Paper, "New Leadership for London" (Cm 3724), invited views on a range of proposals for an environmental role for the new Greater London Authority. Our White Paper, "A Mayor and Assembly for London" (Cm 3897), sets out our detailed proposals, taking into account consultation responses.

Under our proposals, the Greater London Authority will have extensive environmental responsibilities. It will be placed under a duty to promote the environmental, economic and social well being of Londoners. It will also be placed under a duty to promote sustainable development. The Mayor will also be placed under a duty to produce an air quality management strategic plan and an integrated municipal waste strategy for London, and to take action to promote efforts to reduce the impact of noise. The Mayor will have power to promote Local Agenda 21 and biodiversity within London. The Mayor will produce a report every four years on the state of the environment in London and, in consultation with the boroughs, will produce a further report every four years on the contribution made by London towards the Government's national programme for reducing greenhouse gas emissions.

Park and Ride

Sir Raymond Powell: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 13 May 1998, *Official Report*, column *118*, if he will list the Park and Ride schemes initiatives, by local authority funded by his Department. [42792]

Ms Glenda Jackson: The table shows the single scheme referred to in the answer of 13 March 1998, *Official Report*, column *362–64*, for which a local authority has received a specific allocation, and lists those which authorities could pursue using their block allocation from the Department.

Authority	*Scheme*
Specifically funded scheme	
Cheshire	Chester: Park and Ride Phase 2
Fundable from block allocation	*Allocation*
Bedfordshire	Cardington Cross Park and Ride Phase I
Bedfordshire	Elstow Park and Ride
Birmingham	Maypole Park and Ride—King's Heath
Blackburn	Whitebirk Park and Ride
Bournemouth	Riverside Avenue Park and Ride
Bradford	Shipley Rail Park and Ride Extension
Bradford	Menston Rail Park and Ride
Cambridgeshire	Cambridge: Newmarket Road Park and Ride
Cambridgeshire	Cambridge: Babraham Road Park and Ride
Cornwall	Ponsharden Park and Ride
Coventry	Park and Ride: North of City
Derby	Wyvern Park and Ride
Devon	Park and Ride: Dartmoor
Devon	Honiton Road Park and Ride
Devon	Digby Park and Ride: Security Improvements
Devon	Digby Park and Ride: Facilities
Devon	Matford Park and Ride: Promotional Signs
Devon	Matford Park and Ride: Facilities
Devon	Balls Corner Park and Ride
Gloucestershire	Arle Court Park and Ride Stage 1
Gtr Manchester PTE	Cycle Parking at Rail Stations (unspecified)
Hampshire	Winchester Park and Ride Stage 2
Kent	New Dover Road Park and Ride
Kent	Bus Priority for A249 Park and Ride Site
Knowsley	Unspecified Park and Ride proposals
Lancashire	Chorley Railway Station Park and Ride
Leeds	Horsforth Park and Ride
Lincolnshire	North Lincoln Park and Ride
Norfolk	Norwich: Eastern Corridor Park and Ride Route—Traffic Management
North Yorkshire	Harrogate Park and Ride: Land Acquisition
North Yorkshire	Scarborough Park and Ride: Weoponess and Other Sites
North Yorkshire	CCTV Surveillance Equipment at Various Sites
Nottingham	Queens Drive Park and Ride Site
Nottingham	Racecourse Park and Ride Site
Nottingham	Park and Ride Sites—Block Provision
Nottinghamshire	Gamston Park and Ride Site
Oldham	Park and Ride: Shaw, Hollinwood, and Mumps
Oxfordshire	Oxford City Park and Ride: Parking Management
Plymouth City	Carkeel Park and Ride
Poole	Creekmoor Park and Ride
Rochdale	Milkstone Road/Fishdock Park and Ride
Rotherham	Area-wide Park and Ride Facilities
Sefton	Southport Park and Ride
Sheffield	Hillsborough Corridor Park and Ride Sites
Shropshire	Shrewsbury: Development of Existing Sites
Surrey	Guildford: Park and Ride
Surrey	Stains: Park and Ride
Swindon	Copse Site Park and Ride Cricklade Road A4311
Swindon	Junction 16 Park and Ride—M4
Tyne and Wear PTE	New Park and Ride Car Park—Pelaw
West Midlands PTE	Midland Metro Line 1: Park and Ride—Leabrook Road
West Midlands PTE	Medland Metro Line 1: Park and Ride—Loxdale Street
West Midlands PTE	Midland Metro Line 1 Park and Ride—Swan Lane
West Midlands PTE	Rail Park and Ride: Sandwell and Dudley—Refurbishment
West Midlands PTE	Rail Park and Ride: Marston Green—Refurbishment/Expansion
West Midlands PTE	Rail Park and Ride: Hall Green—Expansion
West Midlands PTE	Rail Park and Ride: Olton—Refurbishment
West Midlands PTE	Rail Park and Ride: Selly Oak—Expansion
West Midlands PTE	Rail Park and Ride: Kings Norton—Expansion
Wiltshire	Salisbury: Beehive Park and Ride Scheme
Wirral	Grove Road Rail Station Park and Ride
Wolverhampton	South Bilston Park and Ride
Wolverhampton	Town Centre Park and Ride
Worcestershire	Bromsgrove Station Car Park
Worcestershire	Barnt Green Station Car Park
Worcestershire	Worcester Park and Ride

Channel Tunnel Rail Link

Mr. Paul Clark: To ask the Secretary of State for the Environment, Transport and the Regions (1) what assessment his Department has made of the impact of a fast rail link from the Channel Tunnel to the north via Ebbsfleet, Stratford and St. Pancras on levels of road freight transport; [43096]

(2) what assessment he has made of the impact on investment of a fast rail link from the Channel Tunnel to the north via Ebbsfleet, Stratford and St. Pancras; [43094]

(3) what estimate he has made of the total cost to the Government of *(a)* continuing the Channel Tunnel rail link as proposed under the Channel Tunnel Rail Link Act 1996, including the incorporation of the Ebbsfleet and Stratford international stations, *(b)* opting for an upgraded link to Waterloo and *(c)* delaying the project. [43028]

Ms Glenda Jackson: On 27 March 1998, *Official Report*, columns *295–96*, my right hon. Friend the Deputy Prime Minister said that the cure period under the Channel Tunnel Rail Link (CTRL) Development Agreement within which London and Continental Railways (LCR)

could bring forward any improved proposals to the Government had been extended to 29 May 1998. Proposals have now been received and we are discussing them with the company. The economic and transport implications (including freight) of decisions on the CTRL will be a key consideration for my right hon. Friend in assessing the proposals put to him by LCR.

Mr. Timms: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 27 March 1998, *Official Report*, column *295*, if he has received revised proposals from London and Continental Railways; and if he will make a statement. [43546]

Mr. Prescott: I have received revised proposals from London and Continental Railways which are being discussed with the company. I will make a statement to the House as soon as I can after the Whitsun recess.

Greater London Authority

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to announce the date of the elections to the Greater London Authority. [42977]

Mr. Raynsford: We hope to announce the proposed date of the elections to the Greater London Authority later this year.

Council Tax

Mr. Collins: To ask the Secretary of State for the Environment, Transport and the Regions (1) what proposals he has to grant local authorities discretion to vary the level of council tax imposed upon the owners of second homes; [42996]

(2) if his review of the council tax system has included the issue of varying the level of council tax imposed upon the owners of second homes from the present mandatory 50 per cent; and if he will make a statement; [42997]

(3) what representations he has received from *(a)* South Lakeland District Council, *(b)* South Lakeland residents and *(c)* others on the subject of the level of council tax imposed per owner of second homes. [42995]

Ms Armstrong: The consultation paper "Improving local financial accountability" invited views on whether there is a case for change to the council tax. We have received a number of representations about discounts given on second homes including from the South Lakeland District Council and from other local bodies, and individuals. Our proposals will be set out in a White paper which we shall publish in the summer.

Agrochemical Levy

Mr. Drew: To ask the Secretary of State for the Environment, Transport and the Regions if he will define the terms of reference of the inquiry into the feasibility of an agrochemical levy. [42713]

Angela Eagle: Work has recently been commissioned by the DETR into whether a tax or charge on pesticides would be an effective way to reduce water pollution and negative impacts on the terrestrial environment, and to consider how such a tax or charge might work. The terms of reference for the study, to be carried out by ECOTEC research consulting limited cover inter alia detailed design issues; potential distributional impacts; and assessment of the issues affecting competitive positions of sectors of the UK economy.

Motor Cycles

Mr. McWalter: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the relative risks of *(a)* cycling and walking and *(b)* powered two-wheel vehicle use; and if he will ensure that the latter is not excluded from the Integrated Transport Policy on the grounds of safety. [42330]

Ms Glenda Jackson: Table 1.6 of Transport Statistics Great Britain 1997 shows that, for every billion passenger kilometres travelled in 1995 (latest figures), there were 1,507 two-wheeled motor vehicle users killed or seriously injured. The comparable figures for pedal cyclists were 881 and 611 for pedestrians. Motorcycle use, like other modes of transport, will be addressed in the Integrated Transport Policy White Paper.

Mr. McWalter: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to end the requirement that provisional motorcycle licence holders who fail to pass their driving test within two years are subject to a one year ban. [42331]

Ms Glenda Jackson: We are preparing a consultation paper that will consider the options for amending the current rule, whilst ensuring that any alternative arrangements provide that learner riders are properly trained and tested.

Drink-driving

Mr. Laurence Robertson: To ask the Secretary of State for the Environment, Transport and the Regions what percentage of drivers randomly tested were found to be over the legal alcohol limit in the last year for which figures are available. [42714]

Ms Glenda Jackson: The police do not have powers to take breath samples from motorists on a random basis. Motorists may be breath tested following an accident, when they appear to have committed a moving traffic offence or where there is a suspicion of alcohol use.

In 1996, the latest year for which figures are available, 781,100 breath tests were administered in England and Wales and in 13 per cent. of those, either the test showed a positive (over the limit) reading or the driver refused to provide a sample.

Mr. Laurence Robertson: To ask the Secretary of State for the Environment, Transport and the Regions what is his Department's policy on the amount of alcohol which may be safely consumed by those intending to drive; and if he will make a statement. [42715]

Ms Glenda Jackson: The limit up to which a person can legally drive after consuming alcohol is 80mg of alcohol in 100ml of blood. However, alcohol affects people in different ways according to factors such as the person's sex, body weight and whether food has been consumed. Even a small amount of alcohol can impair performance. The Department's advice, which is endorsed by its current drink-drive publicity campaign, is therefore not to drink and drive.

School Transport

Mr. Wallace: To ask the Secretary of State for the Environment, Transport and the Regions if he will list *(a)* the average number of school children in England travelling by school transport each day and *(b)* the number of (i) fatalities and (ii) injuries of school children involved in road accidents associated with school transport in each of the last five years. [42423]

Ms Glenda Jackson: The average number of children (aged 4–16) resident in Great Britain in 1992–96 who travelled to school by bus each day was about 1.7 million. Of these, about 0.5 million used a school bus.

The number of road accident casualties in England who were school pupils going to or from school by bus or coach is as shown for each of the last five years for which figures are available. It is not, however, possible to identify how many of these were travelling in a school bus.

School child casualties (aged 4–16) travelling to or from school by bus, coach or minibus in England

Year	*Killed*	*Injured*
1992	1	530
1993	1	708
1994	1	536
1995	0	568
1996	1	761

Motorway Service Areas

Mr. Willis: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to allow local planning authorities fully to determine applications for motorway service areas. [42924]

Ms Glenda Jackson: We have no plans to change the existing arrangements under which motorway service area planning applications are dealt with in the same way as those for any other development. Applications which are called in for determination by my right hon. Friend the Secretary of State, or are the subject of an appeal by the intending developer, will normally be considered at a public inquiry before an independent Inspector. In such cases, the Inspector reports to my right hon. Friend who takes the final decision. In all other circumstances, the decision rests with the local planning authority.

Mr. Willis: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to take direct responsibility for the location of motorway service areas; and if he will make a statement. [42923]

Ms Glenda Jackson: Planning Policy Guidance Note 13 ("Transport") and Roads Circular 1/94 give advice to intending developers and local planning authorities on the spacing of motorway service areas (MSAs). We are considering whether there is any need to amend that advice but we have no plans to review the underlying policy that, within the constraints set by the spacing guidance, identification of specific sites for proposed new MSAs is a matter for the private sector.

Planning Inspectorate

Mr. Ennis: To ask the Secretary of State for the Environment, Transport and the Regions when he will publish a revised Framework Document for the Planning Inspectorate. [43344]

Mr. Caborn: I have today arranged for copies of the Planning Inspectorate's revised Framework Document to be published and for copies to be placed in the Library.

It is part of the usual arrangements for Next Steps Agencies to review their operation and revise their Framework Document every three to five years. The revised Framework Document will set out the relationship between the Planning Inspectorate executive agency and its parent Departments (the Department of the Environment, Transport and the Regions and the Welsh Office).

Rents

Dan Norris: To ask the Secretary of State for the Environment, Transport and the Regions what progress he has made in drawing up proposals to address the problem of fair rent increases affecting tenants under the Rent (Agriculture) Act 1967 and the Rent Act 1977; and if he will make a statement. [43437]

Ms Armstrong: The Government are very concerned that private tenants with regulated tenancies and secure tenants of registered social landlords have faced exceptional rent increases in recent years. After market rents were introduced in 1989 for all new lettings, these tenants continued to have the protection of the fair rent system. However, they could never have anticipated the high level rent increases that some of them have faced. Many of them are elderly and on fixed incomes. They have planned their affairs on the basis that they would be able to remain in their present homes and are now faced with real financial difficulties. My Department is today issuing a public consultation paper setting out how we propose to tackle this problem.

The proposals would apply to those private tenants and secure tenants of Registered Social Landlords who have a fair rent registered under the Rent (Agriculture) Act 1976 or the Rent Act 1977. Increases would be limited by an Order made under the Landlord and Tenant Act 1985. The limits would be RPI plus 10% for the first re-registration after the Order comes into effect and RPI plus 5% for subsequent re-registrations. The limits would not apply if the rent had not previously been registered or a substantial increase in rent was due as a result of repairs or improvements by the landlord to the property. The limits would not apply to rent increases for assured and assured shorthold tenancies.

Comments on the proposals are invited by 24 July. Copies of the consultation paper have been placed in the Library. My right hon. Friend the Secretary of State for Wales is issuing a similar consultation paper in Wales.

Passenger Ferries

Mr. Prosser: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on recent developments in the safety of roll-on roll-off passenger ferries. [43438]

Ms Glenda Jackson: I am pleased to announce the publication of an updated list of ferries operating to and from UK ports detailing the dates by which they must comply with the higher survivability standard specified in the Stockholm Agreement. We believe that it is important to continue to provide public information on ferry safety and will publish further lists when there are significant changes.

Officials from my Department recently attended a conference hosted by the Swedish Government in Stockholm to consider the Report of the Joint Accident Investigation Commission of Estonia, Finland and Sweden into the loss of the ESTONIA in September 1994. The conference was a welcome initiative from the Swedish Government and I thank them for it. It considered whether or not international action since the ESTONIA tragedy had sufficiently addressed the Report's recommendations. It was agreed that most issues, particularly the potential problem of capsize due to water entering the car deck, had been satisfactorily addressed, confirming the significant progress which has been made in recent years. The conference also agreed that there were areas where research might identify further potential safety enhancements. We will look closely at these to establish whether there are any further measures we can take to enhance the already very high safety standard of ferries operating to and from UK ports.

Trains

Ms Ward: To ask the Secretary of State for the Environment, Transport and the Regions when the HSC will make proposals on Mark 1 rolling stock and on train protection. [43439]

Dr. Strang: I am pleased that the Commission has today launched a consultative document proposing regulations on the installation of train protection systems (to all trains and at key signals) and on Mark 1 rolling stock. Copies of the consultative document have been placed in the Library. Rail is already one of the safest forms of transport but I welcome the Commission's proposals for making the network even safer.

Building Regulations Advisory Committee

Mr. Kidney: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has for the future of the Building Regulations Advisory Committee. [43176]

Mr. Raynsford: The Building Regulations Advisory Committee is a statutory advisory non-departmental public body constituted under Section 14(1) of the Building Act 1984. The Secretary of State for the Environment, Transport and the Regions is statutorily obliged to consult the Committee on Building Regulations and other subjects connected with those regulations. The regulations apply in England and Wales. Appointments to the Committee are made jointly by the Secretary of State for the Environment, Transport and the Regions and by the Secretary of State for Wales.

The Government are continuing a programme of regular "Financial Management and Policy Reviews" of non-departmental public bodies. Under that programme, I have now received and accepted a Financial Management and Policy Review report relating to the Building Regulations Advisory Committee for the period 1992–96.

The report traces the history and policy development since the establishment of the Committee in 1962. In particular, it traces the evolution of the early Building Regulations—which provided a very prescriptive regime of building control—to a far more flexible process based on functional requirements. The report also highlights some of the more important procedural and technical areas which have evolved over the years—for example, providing for private sector involvement in the building control process at the election of applicants, and the rise in concern within the regulations for energy conservation and access and facilities for disabled people.

Financial Management and Policy Reviews are essentially concerned with assessing and reviewing the policy relevance and the cost-effectiveness of the body concerned. I am happy to say that BRAC scores high on both counts. I have no doubt that its experience with examining the core relevance of regulations will be of great value to this Government's policy of "better regulation".

As the report illustrates, the fact that members of BRAC are unsalaried, and that many willingly put in many hours in working parties, means that the cost effectiveness of the Committee is excellent compared with what could be achieved by contracting out to consultants for the provision of expert advice. As the report also indicates, consultants in this context would not necessarily provide the full breadth of expertise I have to hand on BRAC and could also not necessarily provide the continuity of knowledge which is so essential.

Members are appointed to the Committee usually for terms of two or three years. The Committee's numbers had dwindled over the last year or so and, in addition, some appointments came to an end at the turn of the year. My right hon. Friend the Secretary of State for Wales and I therefore had the opportunity of appointing fresh blood to the Committee—thirteen members in total. We have also within the discipline of the Nolan recommendations considered it right for the benefit of continuity and the excellent public service which has been offered, to re-appoint five existing members. Details of the new Committee membership were released in a letter dated 20 April 1998 to Editors of the Construction and Property Press.

I had the opportunity to meet the new Committee in February and was able to say in person how much the Government valued the work of BRAC. I was also able to thank all those members who had served, or who were continuing to serve, on the Committee. In giving a particular welcome to the new members I expressed the view that they should find the Committee an interesting one to serve on. Having now studied the FMPR, I have no doubt about the on-going importance and relevance of the Committee.

I have arranged for a copy of the FMPR report and the letter to Editors to be placed in the Libraries of both Houses.

Dounreay

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions if he will place in the Library copies of *(a)* The Hydrogeology of Dounreay Nuclear Power Development Establishment (1978), prepared by the Institute of Geological Sciences, *(b)* Environmental Radioactivity in Caithness and Sutherland, AERE-R17999 (1988), *(c)* the annual health and safety reports for Dounreay since 1956 and *(d)* the earliest report made by the UK Atomic Energy Authority to the Government on the accident at its waste shaft, D1225, at Dounreay in May 1977. [39673]

Mr. Macdonald *[holding answer 30 April 1998]:* I have been asked to reply.

I have arranged to place in the Library a copy of the Hydrogeology Report, the Report on Radioactivity in Caithness and Sutherland and the UKAEA's report on the 1977 incident at the Intermediate Level Waste Shaft at Dounreay. The Library already holds copies of the Health and Safety Executive's Reports covering the period 1987–94.

More Group

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received in respect of the takeover bid by J. C. Decaux for the More Group; and how many of these were from local authorities. [43042]

Ms Glenda Jackson: My right hon. Friend has received correspondence from J. C. Decaux, and the company has outlined its proposals to officials in this Department. I have received no specific representations from local authorities or other bodies. Mergers are a matter for the competition authorities.

LORD CHANCELLOR'S DEPARTMENT

Consultation Papers

Mr. Gordon Prentice: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the consultation papers published since 1 May 1997 giving the date of publication, closing date for submissions and the number of respondents. [42248]

Mr. Hoon: The information requested is set out in the table.

Consultation paper	*Date published*	*Closing date for submissions*	*Number of respondents*
Judicial Case Management: the fast-track and multi-track	2 July 1997	26 September 1997	91
Civil Procedure Rules about Costs	August 1997	31 October 1997	90
Restoration of 'Price Paid' to the Land Register	23 October 1997	12 February 1998	over 450
New procedures for Clinical Negligence	31 October 1997	31 December 1997	53
New Procedures for Multi-Party Actions	31 October 1997	31 December 1997	46
Civil Procedure Rules—Security for Costs	November 1997	31 December 1997	40
The amalgamation of Knowsley, Liverpool, St. Helens, Sefton and Wirral magistrates' courts committees	November 1997	6 February 1998	32
Procedures for the Specialist Jurisdictions of the High Court	31 November 1997	30 January 1998	66
Small Claims Procedure	1 December 1997	31 January 1998	113
Civil Procedure Rules—Judgments and Order	December 1997	27 February 1998	25
Civil Procedure Rules—Service of Court Process Abroad	December 1997	27 February 1998	25
The amalgamation of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton magistrates' courts committees	December 1997	28 February 1998	49
Who Decides? Making Decisions on behalf of Mentally Incapacitated Adults	10 December 1997	31 March 1998	over 4,000
Interest on County Court Judgment Debts under £5,000 which include a Claim for Interest under the Late Payment of Commercial Debts (Interest) Legislation	22 December 1997	16 February 1998	75
New guidance on appointment of justices' chief executives and justices' clerks (amendments only)	8 January 1998	27 February 1998	7
Control of Unscrupulous Immigration Advisors (joint LCD and Home Office paper)	22 January 1998	23 March 1998	60
Increase to Bailiff Fees	23 January 1998	13 March 1998	9
Civil Procedure Rules—Transitional Arrangements	5 February 1998	3 April 1998	47
Access to Justice: Civil Court Fees	20 February 1998	1 May 1998	58
Access to Justice with Conditional Fees	4 March 1998	30 April 1998	233
Determination of Paternity & Parental Responsibility for Unmarried Fathers	6 March 1998	5 May 1998	102
The Professionalisation of Court Clerks in the Magistrates' Courts	13 March 1998	15 May 1998	80
Simplification of Transfer Procedure	31 March 1998	15 May 1998	39
Creation of a Unified Stipendiary Bench	1 April 1998	13 May 1998	43
The Next Phase of HM Magistrates' Courts Service Inspectorate Inspections	15 April 1998	22 June 1998	consultation period open
Special Immigration Appeals Commission (Procedure) Rules	20 April 1998	15 May 1998	17
Recovery of Social Security Benefits and Payments into Court	5 May 1998	29 May 1998	consultation period open

HOME DEPARTMENT

Montserration Evacuees

Ms Oona King: To ask the Secretary of State for the Home Department what consideration he has given to the future status of Montserration evacuees in the United Kingdom; and if he will make a statement. [43586]

Mr. Mike O'Brien: We have decided that Montserration evacuees in the United Kingdom should be allowed to remain here indefinitely if they wish. This offer will also apply to Montserratians still on the island and those who moved elsewhere in the Caribbean because of volcanic activity, should they wish to come to the United Kingdom.

Forensic Practitioners

Ms Keeble: To ask the Secretary of State for the Home Department what is his policy on proposals from the forensic science community for the creation of a Registration Council for Forensic Practitioners; and if he will make a statement. [43620]

Mr. Straw: I am pleased to announce the Government's support for the creation of a Forensic Science Registration Council, in line with the central recommendations made by the industry's own Working Group in December 1997. The Working Group, which was chaired by Lord Lewis, was established following an initiative by the Forensic Science Service.

The Council's aim will be to promote and maintain high standards of competence, practice, discipline and ethics amongst forensic science practitioners. It will be non-statutory, self-financing, self-regulating and independent, with input from users. The Council will operate on a three tier basis, comprising:

- a Council, to include legal, lay and expert members, and incorporating a disciplinary panel;
- an Executive/Registration Board, which would set the criteria for registration and operate the register; and
- Assessment Panels, which would assess qualifications and competence for each specialism within the forensic science community.

The Council will build on and incorporate existing expertise and infrastructure using the experience of a wide range of professional bodies which already operate in this field.

While considering the Working Group's recommendations on this issue, the Government also looked at the other outstanding proposals for the oversight of forensic science put forward by the Royal Commission on Criminal Justice (which reported in 1993) and by Professor Caddy in his report of December 1996 into the contamination incident at the Forensic Explosives Laboratory. The Royal Commission and Professor Caddy recommended the establishment of a Forensic Science Advisory Board and an Inspectorate of Forensic Science Services respectively.

The Government considered all three sets of proposals very carefully. In light of the progress made in recent years by the forensic science industry to promote quality and standards, including the external accreditation of laboratories by the United Kingdom Accreditation Service and the British Standards Institute, we believe that the Registration Council offers the most practical way forward. The Registration Council would undertake a number of the tasks proposed for the Advisory Board and Inspectorate, but would do so in a way which complemented existing structures for maintaining standards in the industry. We share the view of the previous Administration, as set out in their final response to the Royal Commission (published in June 1996), that there is no need for the far wider remit envisaged for the two alternative oversight bodies. Many of the functions identified for the Advisory Board and Inspectorate could be fulfilled effectively only with some form of statutory regulation which the Royal Commission itself did not see as justified. The Government concur with this view.

It is important that any new arrangements for oversight command the support, not only of forensic practitioners, but the end users of their services. I am pleased that the proposals to establish the Registration Council for Forensic Practitioners have received the overwhelming support of the forensic science community, as well as considerable backing from those in the wider criminal justice system.

Once fully established, the aim would be for registration with the Council to become expected of those presenting expert forensic evidence in court. This would not preclude those who are unregistered from giving such evidence, although I believe such instances will become rare. It will also remain open to the courts to hear evidence from non-registered persons whose expertise is in a field outside the normal range of forensic science. As now, such decisions will remain a matter for the court to determine.

Although it is the intention that, once fully established, the Registration Council will be self-funded, the Government have agreed that it will provide financial support to help with the start-up costs. Such funding will be for an initial period of two years.

The setting up of the Registration Council will be a significant step forward in further raising quality and standards in the forensic science industry. Taken together with the other measures already taken by the industry, the Council will do much to enhance the standing of forensic science in the criminal justice process.

Race Relations Forum

Mr. Vaz: To ask the Secretary of State for the Home Department, pursuant to his answer of 13 May 1998, *Official Report*, column *125*, if he will list the persons appointed to the Race Relations Forum. [40841]

Mr. Straw: I am pleased to announce that the first meeting of the Race Relations Forum will be held on 23 June. The following have confirmed that they are willing to serve as members of the Forum:

Mr. Rumman Ahmed; Ms Yasmin Alibhai-Brown; Mr. Michael Boye-Anawomah JP; Ms Rachel Campbell; Mr. Thomas Chan; Ms Gobnait Ní Chrualaoí; Mr. Lincoln Crawford QC; Mr. Mohammed Dhalech; Lord Navnit Dholakia OBE JP; Mrs Zerbanoo Gifford; Mr. Bernie Grant MP; Ms Ros Howells OBE; Mr. Lee Jasper; Mr. Makbool Javaid; Dr. Gus John; Ms Mukami McCrum; Mr. Norman McLean; Dr. Dwain Neil; Sir Herman Ouseley; Mr. Adam Hafejee Patel; Ms Shushila Patel; Mr. Trevor Phillips; Ms Rachel Pickavance; Mr. Iqbal A. K. M. Sacranie; Mr. Gurbux Singh; Mr. Ranjit Sondhi; Dr. Richard Stone; The Rt. Revd Wilfred Wood.

Sexual Abuse

Mrs. Curtis-Thomas: To ask the Secretary of State for the Home Department how many *(a)* teachers and *(b)* care staff are currently under investigation for retrospective allegations of sexual abuse of former pupils. [41132]

Mr. Michael: It is difficult to answer my hon. Friend's question with any precision because it refers to investigations rather than convictions and it is difficult to see how such information could be collected centrally. Her Majesty's Inspectorate of Constabulary is undertaking a thematic inspection on child protection, which will look at how records and intelligence are collated and shared across agencies, and what good practice can be promoted on how to conduct major abuse inquiries.

The Department for Education and Employment maintains a list of individuals who are barred from working in schools: (List 99), while the Department of Health consultancy index also contains information about individuals who are considered to be unsuitable to work with children and young people.

A Ministerial group chaired by my right hon. Friend the Secretary of State for Health is following-up work across Government arising from Sir William Utting's report 'People Like Us'. Among the issues arising from that report is the need to strengthen recruitment and vetting procedures for adults who work with children living away from home.

Young Offenders

Mr. Clappison: To ask the Secretary of State for the Home Department, pursuant to his answer to the hon. Member for Wakefield (Mr. Hinchliffe), of 30 March 1998, *Official Report*, column *391*, of the two young men held in adult prison accommodation which was not separate from adult prisoners, if he will list *(a)* their ages, *(b)* the prison or prisons in which they were held, *(c)* the reasons they were held in accommodation not separate from adult prisoners, *(d)* the period for which they were held in such accommodation and *(e)* the number of other young men held in accommodation not separate from that of adult prisoners since 1 May 1997. [38578]

Ms Quin: I will write to the hon. Member.

Parc Prison

Mr. Alan Williams: To ask the Secretary of State for the Home Department if he will provide a breakdown of the staff, transport and subsistence costs incurred on each occasion other prisons had to provide staff to support Parc Prison, Bridgend; what effect this had on staffing levels at the prisons which provided staff; how many prison officers are employed at Parc and at each of the prisons which provide staff in proportion to the number of prisoners; and if Parc's staffing level was at full complement at the time of each occasion when other prisons provided staff. [42070]

Ms Quin: Parc Prison has requested assistance from neighbouring prisons for help with disturbances on three occasions since it opened on 17 November 1997.

On 20 February 1998, a total of 43 staff from Swansea, Cardiff and Usk prisons provided assistance to Parc. The staffing costs were £1,788.00, and the travel and subsistence costs were £708.26. Swansea reports no effect on its staffing levels and Cardiff and Usk report minor disruption to regimes and association.

On 18 April, a total of 43 staff from Swansea, Cardiff and Bristol prisons provided assistance to Parc. The staffing costs were £1,806.00, and the travel and subsistence costs were £560.58. Swansea and Bristol prisons report no effect on their staffing levels and Cardiff reports minor disruption to regimes.

On 6 May, a total of 119 staff from Swansea, Cardiff, Bristol, Usk, Long Lartin, Gloucester and Erlestoke prisons provided assistance to Parc. The staffing costs were £11,199.00, and the travel and subsistence costs were £2,338.28. Usk and Erlestoke prisons report no significant effect on their staffing levels. Swansea, Cardiff, Bristol, Long Lartin and Gloucester prisons report minor disruption to regimes.

The number of staff and prisoners at Parc prison, and the establishments which assisted them on 6 May, is set out in the table (The staffing figures are for all unified staff):

Establishment	*Number of staff*	*Number of prisoners*
Parc	193	738
Bristol	334	599
Cardiff	258	700
Erlestoke	102	301
Gloucester	137	305
Long Lartin	634	379
Swansea	136	330
Usk	90	334

Parc Prison's staffing complement for the three occasions when assistance was provided was: on 20 February 1998, 211 staff in post against a target staff figure of 225; on 18 April 1998, 204 staff in post against a target staff figure of 225; and on 6 May 1998, 193 staff in post against a target staff figure of 225.

Hillsborough and Stephen Lawrence Inquiries

Maria Eagle: To ask the Secretary of State for the Home Department what percentage of public money disbursed to assist families and relatives of victims was provided *(a)* to individual victims and families, *(b)* family support groups and *(c)* collectively in respect of (i) the Hillsborough disaster and (ii) Stephen Lawrence's murder; and by what method the allocations were determined. [42983]

Mr. Michael: The Criminal Injuries Compensation Board advise that injuries sustained in the Hillsborough disaster were not regarded as the result of a crime of violence for the purposes of the criminal injuries compensation scheme, and that, accordingly, no compensation in respect of that disaster was awarded under the scheme.

As regards the Stephen Lawrence murder, in accordance with the Code of Practice on Access to Government Information, it is not the practice of the Board, or the new Criminal Injuries Compensation Authority (which deals with applications lodged on or

after 1 April 1996), to disclose details about individual applications, including whether applications have been made.

Maria Eagle: To ask the Secretary of State for the Home Department what provisions were made out of public funds in respect of costs to *(a)* commission expert evidence and *(b)* challenge expert evidence put by another party at the public inquiries into (i) the Hillsborough disaster and (ii) Stephen Lawrence's murder; what was the outturn cost to public funds of such assistance for each inquiry; and how costs were agreed, verified and disbursed. [42981]

Mr. Michael: The original papers relating to the Taylor inquiry into the Hillsborough Stadium disaster are being examined to see what information was kept on costs. I will reply to my hon. Friend when that has been done.

The Stephen Lawrence inquiry is still in progress. The Chairman of the inquiry, Sir William Macpherson of Cluny, has been asked to recommend how the costs of the inquiry should be met. The inquiry was called under section 49 of the Police Act 1996. There is power under section 49 to defray any costs of the inquiry out of the police fund.

Drink-driving

Mr. Vaz: To ask the Secretary of State for the Home Department how many drivers have been banned from driving for one year for drink-related offences in the last year. [43081]

Mr. Michael: Information is not available in precisely the form requested because the published motoring offences are based on offences rather than offenders, and offences involving drugs cannot be separated from those involving drink. There were 35,287 disqualifications imposed for 'Driving etc after consuming alcohol or taking drugs' in England and Wales in 1996, the latest year for which figures are available.

Such figures are published annually in "Offences relating to motor vehicles. England and Wales 1996. Supplementary tables", copies of which are available in the Library.

Operation Charlie

Mr. Flynn: To ask the Secretary of State for the Home Department, pursuant to the answer of 14 May 1998, *Official Report*, column *181*, how many children involved in Operation Charlie *(a)* received the specific tuition and *(b)* were used for comparison; and how many hours tuition the children received. [42901]

Mr. George Howarth: The number of children involved in Project Charlie that *(a)* received the intervention was 44; *(b)* the number of comparison children was 233; the Project Charlie children received a lesson of at least 30 minutes each week for 39 weeks.

Mr. Flynn: To ask the Secretary of State for the Home Department, pursuant to the answer of 14 May 1998, *Official Report*, column *181*, if the review of the value of Operation Charlie recommended further investigation. [42902]

Mr. George Howarth: The report on the follow up evaluation of Project Charlie strongly suggested that primary school drugs education programmes can have a delaying effect for the onset of drug use. It also recommended that further research be carried out. The Government's anti-drugs strategy signifies clearly the value of drugs education in schools from age 5 upwards, and identifies the commissioning of long-term evaluation's of the effectiveness of prevention and education programmes as a priority.

Firearms

Mr. Beith: To ask the Secretary of State for the Home Department how many offences involving a loaded antique firearm have been committed in the last 10 years; and if he will make a statement. [42800]

Mr. Michael: It is not possible, from the statistics held centrally, to determine how many offences are committed with antique firearms.

Drivers (Drugs)

Mr. Ennis: To ask the Secretary of State for the Home Department how many cases of people driving under the influence of drugs have been reported by South Yorkshire Police in each of the last five years. [42656]

Mr. Michael: The information requested is not available centrally.

There is no information collected centrally that distinguishes between driving under the influence of drugs and driving under the influence of alcohol.

The Department of the Environment, Transport and the Regions have in the past produced an estimate of the number of drug/driving cases based on information supplied by the Forensic Science Service, but this does not enable a police force breakdown to be made. Neither do South Yorkshire police themselves have any local information.

Police (Training)

Ms Oona King: To ask the Secretary of State for the Home Department if he will list the training courses offered to Metropolitan Police officers in 1997 and 1998 to date. [42805]

Mr. Michael: The Commissioner of Police of the Metropolis has provided a copy of the Metropolitan Police's Training Prospectus for courses held centrally at Hendon's Training Schools under the Director of Training and Development. I have placed a copy of the prospectus in the Library.

Ms Oona King: To ask the Secretary of State for the Home Department what is the total training budget of the Metropolitan Police for the current financial year. [42807]

Mr. Michael: The Commissioner tells me that training in the Metropolitan Police is delivered on three levels: centrally; by area; and by divisions.

In addition, some training is purchased from outside trainers through the use of external budgets. As a consequence, the information requested is not readily available and can be obtained only at disproportionate

cost. However, the Commissioner tells me that the total resource budget for centrally-delivered training is £24 million. Centrally based training under the Director of Training and Development is responsible for approximately 40 per cent. of all training delivery in the Metropolitan Police Service.

Association of Chief Police Officers

Mr. William Ross: To ask the Secretary of State for the Home Department (1) if he will list the funds and assistance provided in each year since 1994–95 to the Association of Chief Police Officers of England, Wales and Northern Ireland from *(a)* the Home Office, *(b)* other Government Departments and *(c)* each police authority or board; [42410]

(2) if he will list the grades within the uniformed police or civilian police service which make up the membership of the Association of Chief Police Officers of England and Wales and Northern Ireland. [42406]

Mr. Michael: The membership of the Association of Chief Police Officers of England, Wales and Northern Ireland comprises:

- the chief constables, and assistant chief constables, including assistant chief constables (designated), of the forces in the police areas listed in Schedule 1 of the Police Act 1996 (full members)
- the commissioners, assistant commissioners and commanders of the Metropolitan Police Service and the City of London Police (full members)
- the chief constable, deputy chief constable and assistant chief constables of the Royal Ulster Constabulary (full members)
- the chief police officers appointed/seconded to the National Criminal Intelligence Service and National Crime Squad (full members)
- senior civilian staff of the forces and organisations listed above who are deemed by the Association to hold a post equivalent to that at least of an assistant chief constable (associate members)
- those chief police officers of other police forces who accept the Association's invitation to become members (associate members).

In respect of the Association of Chief Police Officers of England, Wales and Northern Ireland, the Home Office contributed £466,000 in 1994–95, £470,000 in 1995–96 and £458,000 in 1996–97 towards staff salaries and administrative costs of the Association of Chief Police Officers (ACPO) Secretariat under the common police service arrangements. In 1997–98, under different arrangements, the Home Office contributed a further £458,000 towards these costs.

Contributions from police authorities in 1997–98 are listed in the following table. Before 1996–97, ACPO was organised differently with a limited central function. Work undertaken in the ACPO cental office from part-way through 1996–97 was previously carried out in forces for which no specific costs are available. Police authorities contributed £330,000 as a part-year cost for setting up the reorganised ACPO in 1996–97. In 1994–95, the police authorities' contribution was 49 per cent. of the total net cost of all common police services, of which the contribution to the costs of ACPO was a small part. This was apportioned between police authorities on the basis of a per capita charge based on the authorised establishment of each force. From 1995–96 to 1997–98, the costs of common police services were taken into account when the level of police grant was set for police authorities. These arrangements followed detailed discussions and agreement between the parties involved.

Contributions made by police authorities to the Association of Chief Police Officers of England, Wales and Northern Ireland in 1997–98

£

Force	*Police authority contribution*
Avon and Somerset	14,792.22
Bedfordshire	5,456.95
Cambridgeshire	6,353.12
Cheshire	9,451.31
City of London	5,284.64
Cleveland	7,109.47
Cumbria	5,393.29
Derbyshire	8,808.48
Devon and Cornwall	15,014.00
Dorset	6,151.13
Durham	6,922.83
Dyfed Powys	4,563.41
Essex	14,287.26
Gloucestershire	5,567.67
Greater Manchester	33,020.60
Gwent	5,962.97
Hampshire	16,876.94
Hertfordshire	8,478.17
Humberside	9,943.65
Kent	12,689.32
Lancashire	15,800.42
Leicestershire	8,971.59
Lincolnshire	5,441.39
Merseyside	21,382.39
Metropolitan	139,033.22
Norfolk	7,370.29
North Wales	6,640.81
North Yorkshire	6,792.39
Northamptonshire	5,608.91
Northumbria	18,271.40
Nottinghamshire	11,252.53
Royal Ulster Constabulary	54,322.10
South Wales	14,339.69
South Yorkshire	14,942.69
Staffordshire	10,267.55
Suffolk	5,962.47
Surrey	7,486.28
Sussex	14,429.38
Thames Valley	19,481.84
Warwickshire	4,656.28
West Mercia	9,831.60
West Midlands	33,486.12
West Yorkshire	25,293.17
Wiltshire	5,857.04
Total	669,048.98

INTERNATIONAL DEVELOPMENT

Malawi

Mr. Nigel Jones: To ask the Secretary of State for International Development when she expects to announce the results of her review of the aid programme to Malawi; and if she will make a statement. [41952]

Clare Short: I expect to complete the review in July. I am optimistic that we can build partnerships with the Government and others aimed at systematically reducing poverty in Malawi.

Debt

Mr. Nicholas Winterton: To ask the Secretary of State for International Development what initiatives her Department is taking to relieve developing countries' debt during the United Kingdom presidency of the European Union; and if she will made a statement on how she is taking these forward. [43092]

Clare Short: We work with the Treasury to seek to mobilise increasing international commitment to assist heavily indebted poor countries. In addition, we have contributed $10.5 million to help the African development bank meet its costs of providing debt relief under the heavily indebted poor countries debt initiative, and are encouraging other donors to do likewise. We have signalled our readiness to contribute $10 million to an international fund for Mozambique, an action which helped break the impasse among creditors earlier this year.

I convened an informal meeting of donors to Rwanda in Brussels on 19 May, which considered among other matters ways of helping resolve that country's debt problems. At the donors' meeting in Stockholm on 2–3 June, Britain will announce a significant contribution to the multi-donor debt trust fund, which will provide debt relief to Rwanda over the next few years. We are providing nearly £500,000 in the form of technical assistance to help developing countries improve the management of their debt portfolios. We are continuing to urge other donors to follow the UK's example and write off their aid loans to the poorest developing countries.

Trauma Counselling

Dr. Tonge: To ask the Secretary of State for International Development what assistance her Department gives to agencies providing trauma counselling in post-conflict situations. [42873]

Clare Short: We recognise that trauma counselling is an important component of health care in post-conflict situations. We support a number of projects which provide direct assistance to children affected by conflict, including after-care for traumatised children. In the past, we have supported a major social rehabilitation programme with World Vision for children abducted by the Lord's Resistance Army in Uganda. More recently, we have provided assistance to non-governmental and UN agencies working in Liberia.

Strategic Exports

Dr. Tonge: To ask the Secretary of State for International Development if she will make a statement on her Department's contribution to the drawing up of the Government's annual report of strategic exports. [42872]

Clare Short: My Department does not lead on the Government's annual report of strategic exports. We take part in interdepartmental discussions and will be consulted on the report before it is published.

Arms Exports

Dr. Tonge: To ask the Secretary of State for International Development what discussions her Department has had with other Government departments on arrangements for the monitoring of arms export licences to less developed countries. [42877]

Clare Short: The Export Control Organisation of the Department of Trade and Industry is the licensing authority. All relevant individual licence applications are circulated by the DTI to other Government Departments with an interest, in line with their policy responsibilities. These include the Foreign and Commonwealth Office, the Ministry of Defence and my Department.

Indonesia

Sir Alastair Goodlad: To ask the Secretary of State for International Development who represented her Department at the World bank meeting in Washington on 1 April on international humanitarian aid efforts for Indonesia; what was discussed; and if she will make a statement. [42762]

Clare Short: The purpose of the meeting, which was attended by a member of the Department for International Development's Asia division, was to discuss the social consequences for Indonesia of the Asian financial crisis and prospects for mobilising additional support from multilateral and bilateral sources. Copies of a press release issued by the bank after the meeting have been placed in the Libraries of both Houses. The conclusions of the meeting has been largely overtaken by current developments in Indonesia. As circumstances permit, we shall continue to explore opportunities of working with civil society, non-governmental organisations and other donors to bring effective help to poor people, including those affected by the crisis.

Public Bodies

Jackie Ballard: To ask the Secretary of State for International Development (1) what is the average salary of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to her Department; [42814]

(2) what is the average attendance fee of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to her Department. [42815]

Clare Short: The majority of board members of non-departmental public bodies give their time and services voluntarily and receive no payment other than normal travel and subsistence expenses. Where members do receive remuneration, this can vary between an annual salary, an honorarium or an attendance fee (which itself can be a daily rate or a half-daily rate, or calculated on a per meeting or per case basis). Individuals' remuneration therefore is not directly comparable. Full details of all payments to board members of non-departmental bodies,

by gender, are given in the Cabinet Office publication "Public Bodies". Copies of "Public Bodies 1997" are available in the Libraries of both Houses.

Weapons

Mr. Cohen: To ask the Secretary of State for International Development if she will make a statement on her policy towards providing aid to countries with extensive military programmes, including the development of weapons of mass destruction. [42390]

Clare Short: My Department seeks to develop long-term partnerships with countries that are committed to the elimination of poverty and are pursuing appropriate economic, social, environmental and political policies. In considering the opportunities for partnership, we take into account a wide range of factors. These would certainly include the impact on the poor of excessive military expenditure and the development of weapons of mass destruction.

Zimbabwe

Ann Clwyd: To ask the Secretary of State for International Development what plans she has further to fund Zimbabwean police and army training at United Kingdom establishments. [41583]

Clare Short: The Department for International Development is supporting an organisational development project with the Zimbabwe Republic police, to reduce crime and the costs of policing through improved management and operational efficiency. Under this project, we have agreed to fund 12 curriculum development officers to attend training programmes at the Scottish police college over the next 12 months. The Department for International Development does not provide assistance for military personnel.

Sudan

Dr. Tonge: To ask the Secretary of State for International Development what assessment her Department has made of the type of food and levels of supplies available for *(a)* adults and *(b)* children in Sudan. [42871]

Clare Short: Last week, my officials visited some of the seriously affected areas. Food supplies are adequate at present. Bulk grain (sorghum) and pulses are being provided to vulnerable communities. Children are also receiving Unimix and other specialised food mixtures. Access remains the major constraint, together with freedom for relief agencies to operate unhindered. Unless a ceasefire is implemented and people can plant their crops, food needs will continue throughout the year.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what representations she has received about the resources available to Operation Lifeline Sudan; and if she will make a statement. [42761]

Clare Short: In February, the UN inter-agency consolidated appeal sought US$109 million for Operation Lifeline Sudan in 1998. To date, some US$33 million has been committed to the appeal. A number of donors, including the UK, announced additional contributions at a meeting held on 18 May. Since February, Britain has committed £10.23 million to OLS.

Debt Relief

Dr. Tonge: To ask the Secretary of State for International Development what discussions her Department has had with the IMF and World bank concerning debt relief to Rwanda; and if she will make a statement. [42878]

Clare Short: Rwanda's debt burden is severe, and one of a number of constraints on the Government's capacity to make progress towards achieving the poverty reduction targets. On 19 May, I convened an informal meeting in Brussels to discuss how external assistance could help relieve these constraints. The IMF and World bank were represented. These discussions will continue at a donars' meeting that the Government of Rwanda and the World bank will hold in Stockholm on 2–3 June. At that meeting, Britain will announce a significant contribution to a new multi-donor debt trust fund designed to ease Rwanda's debt burden in the period leading up to eligibility under the heavily indebted poor countries initiative become available.

Leaders at the G8 Summit in Birmingham recognised the need to respond to the exceptional needs of poor post-conflict countries such as Rwanda as they rebuild their political, economic and social systems, and agreed that, particularly for those countries with arrears to the international financial institutions, there was a need for debt relief mechanisms to be used to release more resources, and more quickly, for essential rehabilitation. We shall be pressing for this work to be taken forward urgently.

Dr. Tonge: To ask the Secretary of State for International Development what estimate she has made of the cost to her Department of the accelerated programme of debt relief proposed under the Mauritius mandate. [42879]

Clare Short: The main element of the Mauritius mandate is to press for faster implementation of the heavily indebted poor countries debt initiative. To help achieve this aim, the Department for International Development is prepared to contribute to international efforts to ensure speedy debt relief to HIPC countries. We have contributed $10.5 million to help Uganda, have pledged $10 million to help Mozambique, and may contribute to others, but at this stage it is not possible to quantify the total likely cost.

As part of the mandate, I indicated that I was willing to cancel the remaining aid debts owed to the UK Government by lower-income Commonwealth countries, provided the poor benefited from this action. The potential cost of this is up to £132 million. The mandate also signalled our readiness to finance through the aid programme technical assistance to poor countries, particularly those in the Commonwealth, to assist in debt management. We are providing over £750,000-worth of

technical assistance to the Governments of Tanzania and Nepal for this purpose. We have also agreed to contribute £400,000 to the core costs of Debt Relief International, an organisation that provides technical assistance in debt management to HIPC countries.

Public Appointments

Jackie Ballard: To ask the Secretary of State for International Development when her Department's action plan for increasing the number of women holding public appointments will be published; and if she will place a copy in the Library. [42816]

Clare Short: My Department's action plan will be published shortly. Copies will be placed in the Libraries of the House.

SCOTLAND

Examinations (Continuous Assessment)

Mr. Welsh: To ask the Secretary of State for Scotland what plans he has to implement the recommendation of the Scottish Secondary Teachers' Association for a review of the continuous assessment part of standard grade and higher examinations; what advice he has given to teachers in dealing with suspected plagiarism in internal assessment reports; and if he will make a statement. [40252]

Mr. Wilson *[holding answer 30 April 1998]:* Responsibility for the setting and marking of both standard grade and higher grade examinations rests with the Scottish Qualifications Authority. To ensure the quality and rigour of its qualifications, the authority works closely with experts in the education and training fields; it provides schools with clear guidance on internal assessment, including advice on suspected plagiarism; and it closely monitors assessment arrangements in schools.

Independent research has recently confirmed the successful maintenance of standards in higher grade examinations. In relation to standard grade examinations, the Scottish Qualifications Authority decided, having consulted the teaching profession about the continuous assessment aspect and in order to address concerns about work load, that the investigating element should be withdrawn for some subjects from 1999.

These matters are kept under constant review, as befits their importance, and the Scottish Qualifications Authority will continue to take careful account of the views of the teaching profession in relation to future developments.

Agriculture Grants

Mr. Wigley: To ask the Secretary of State for Scotland what was the cost to his Department of administering grants to agriculture in the last year; and how many *(a)* full-time and *(b)* part-time staff were involved. [42437]

Mr. Macdonald: This information is not held centrally and could be provided only at disproportionate cost.

Nuclear Safety

Mr. Llew Smith: To ask the Secretary of State for Scotland what has been the annual cost to his Department or public bodies responsible to his Department, since May 1979, of the oversight and implementation of environmental safety at *(a)* Dounreay nuclear power establishment, *(b)* Hunterston nuclear plant, *(c)* Torness nuclear plant and *(d)* Chapelcross nuclear materials production plant. [39671]

Mr. Macdonald *[holding answer 30 April 1998]:* Such information as is readily available is shown in the tables. The first table comprises information relating to charges raised in connection with the Scottish Environment Protection Agency's inspection and monitoring duties at nuclear sites. The site operators are liable for payment of these charges, which are intended to cover the cost to the Agency of undertaking such duties. The second table shows the costs incurred by the Health and Safety Executive in connection with regulation safety at nuclear sites. Nuclear operators pay the HSE charges, which are broadly designed to meet these costs.

£

Year	Dounreay	Hunterston A	Hunterston B	Torness	Chapelcross	Year total
1995–96	65,223	22,048	—[1]	19,425	24,629	131,325
1996–97	175,297	18,791	65,554	37,095	24,016	320,753
Totals	240,520	40,839	65,554	56,520	48,645	452,078

[1] Charges relating to Hunterston for 1995–96 were not site specific between A and B

£

Year	Dounreay	Hunterston A	Hunterston B	Torness	Chapelcross	Year total
1989–90	326,817	179,412	303,481	452,218	427,341	1,689,269
1990–91	858,403	92,339	262,917	354,151	350,458	1,918,268
1991–92	732,124	134,135	484,053	382,480	376,212	2,109,004
1992–93	676,245	91,730	310,901	283,845	232,206	1,594,927
1993–94	427,784	182,368	334,895	453,121	292,288	1,690,456
1994–95	426,858	246,784	369,096	446,393	327,061	1,816,192
1995–96	566,086	305,263	604,169	530,251	344,368	2,350,137
1996–97	673,569	176,740	1,258,656	373,330	297,647	2,779,942
Totals	4,687,886	1,408,771	3,928,168	3,275,789	2,647,581	15,948,195

Fire Service

Mr. Moore: To ask the Secretary of State for Scotland (1) if he will list by fire service board in Scotland, *(a)* the level of the capital expenditure budget and *(b)* the number and capital cost of fire appliances expected to be acquired for the current financial year; [41814]

(2) if he will list by fire service board in Scotland, *(a)* the level of the capital expenditure budget, *(b)* the number and capital cost of fire appliances acquired and *(c)* the average age of the fleet of fire appliances for financial years (i) 1995–96, (ii) 1996–97 and (iii) 1997–98. [41815]

Mr. McLeish: The information is set out in the table.

	Fire brigade[1]							
	Central Scotland	*Dumfries and Galloway*[1]	*Fife*	*Grampian*[3]	*Highlands and Islands*	*Lothian and Borders*	*Strathclyde*	*Tayside*
1995–96								
Capital expenditure budget (£000)	945	300	469	1,362	1,460	1,520	4,450	717
Fire appliances[2] acquired:								
number	2	0	3	0	4	4	15	2
cost (£000)	210	—	[4]—	—	384	480	1,613	235
Average age of fleet (years)	6.6	7.5	7.6	7	8.5	8	7.3	6.5
1996–97								
Capital expenditure budget (£000)	885	585	852	2,290	1,575	1,732	6,490	1,571
Fire appliances[2] acquired:								
number	2	[3]0	2	0	4	6	13	2
cost (£000)	217	158	229	—	400	770	1,115	216
Average age of fleet (years)	7	8.5	6.8	8	8.3	7.5	6.0	7.1
1997–98								
Capital expenditure budget (£000)	1,058	515	826	1,457	1,696	2,421	6,365	1,232
Fire appliances[2] acquired:								
number	3	4	3	8	5	5	4	4
cost (£000)	330	350	353	837	436	670	[3]966	446
Average age of fleet (years)	6.7	7.5	7.1	7	7.1	7.5	4.6	7
1998–99								
Capital expenditure budget (£000)	2,175	479	777	1,361	1,576	2,457	5,734	1,134
Fire appliances[2] acquired:								
number	2	1+1 chassis	2	6	5	4	4	4
cost (£000)	220	160	240	650	472	450	435	430

[1] The information is given for all 8 Scottish Fire Brigades: Dumfries and Galloway Fire Brigade and Fife Fire and Rescue Service are directly administered by the Councils for those areas, not by joint boards

[2] The information relates to operational fire appliances of the conventional type. Aerial and other special appliances, and light fire appliances, have been excluded

[3] Vehicle purchase to some extent funded from revenue

[4] Up to 1996–97 Fife Fire and Rescue Service's appliances were all leased

[5] Expenditure is shown, here and elsewhere in the table, in the year in which it was incurred. Brigades frequently purchase chassis in one year and take delivery of completed fire appliances in the following year

Source:
Returns from brigades

Pensions Agency

Mr. Alexander: To ask the Secretary of State for Scotland if he will publish the key performance targets he has set for the Scottish Office Pensions Agency for 1998–99. [43588]

Mr. Dewar: I have set the Scottish Office Pensions Agency the following key performance targets for 1998–99:

To ensure that 99.5% of awards and transfer payments are accurate.

To pay on time 99.5% of all pensions and lumps sums where the target date for receipt of claims is met.

To make transfer payments within 12 working days of members' final instructions to transfer pensions rights.

To ensure that 97% of contributions due from employers of teachers are received within 15 days of the end of the month to which they relate.

To reduce total identified operating costs per member/beneficiary by 5% in real terms.

Criminals (Repatriation to UK)

Mr. Browne: To ask the Secretary of State for Scotland (1) how many United Kingdom citizens convicted of criminal offences abroad and deported back to the United Kingdom in the years 1990 to 1997 have re-offended in Scotland; [41738]

(2) how many criminals convicted of murder or homicide abroad and deported back to the United Kingdom in the years 1990 to 1997 have re-offended in Scotland; [41739]

(3) how many United Kingdom citizens, convicted of murder or homicide abroad have been deported back to the United Kingdom and have come to reside in Scotland in each year since 1990; [41740]

(4) how many United Kingdom citizens convicted of criminal offences abroad have been deported back to the United Kingdom and have come to reside in Scotland in each year since 1990. [41741]

Mr. McLeish: I refer my hon. Friend to the answers he received today from the Minister of State, Foreign and Commonwealth Office. Neither the information relating to re-offending nor that on place of residence is held centrally.

Forest Enterprise

Mr. Russell Brown: To ask the Secretary of State for Scotland what changes have been made to the previously reported targets for Forest Enterprise for 1997–98 and 1998–99. [43587]

Mr. Dewar: The targets for Forest Enterprise in 1997/98 and 1998/99 were changed to take account of the fall in timber prices and our moratorium on large scale sales of forest land. The original and the amended targets are as follows:

£ million

	Original target	*Amended target*
1997–98		
Cash Surplus	28.7	24.7
1998–99		
Cash Surplus	33.7	29.8
Operating Profit	18.6	12.4
Cubic Metres of Wood Harvested	5.0	5.1
Income from Disposals of Buildings and Land	25.0	10.0

Copies of the agency's corporate plan, which contains more detail about the agency's targets, will be placed in the Library of the House when it is published in June.

Forestry Commission Research Agency

Mr. David Stewart: To ask the Secretary of State for Scotland what targets have been set for the Forestry Commission Research Agency for the current financial year. [43590]

Mr. Dewar: The Forestry Commission Research Agency has been set the following targets:

To achieve at least 92 per cent. customer satisfaction by value and by customer numbers.

To have the entomology research programme reviewed by a Visiting Group during the financial year and have confirmation that the research does meet current quality standards.

To increase the output of peer-reviewed scientific papers submitted and subsequently accepted for publication by 5 per cent. on the 1997–98 figure.

To achieve a 2 per cent. real cost reduction in the weighted average unit cost of chargeable staff days in 1998–99 compared with 1997–98.

To achieve full cost recovery from customers.

Copies of the agency's corporate plan, which contains more detail about these targets, will be placed in the Library when it is published in June.

Prison Service

Mr. Browne: To ask the Secretary of State for Scotland what targets he has set for the Scottish Prison Service, as an executive agency for 1998–99. [43589]

Mr. Dewar: I have set the chief executive of the Scottish Prison Service the following targets:

Performance measures	*Key targets*
The number of prisoners unlawfully at large	No A category prisoners should escape
	The number of escapes by B category prisoners should be no higher than 1.00 per 1,000 prisoners
	The number of escapes by C category prisoners should be no higher than 1.6 per 1,000 prisoners
The number of serious assaults on staff and prisoners	The number of serious assaults on staff should be no higher than 3 per 1,000 staff
	The number of serious assaults on other prisoners should be less than the 1997–98 outturn
Basic quality of life for prisoners	By end March 1999, 71 per cent. of prisoners will have access to forms of night sanitation
The amount of available opportunities for prisoners' self-development	To ensure that 600 prisoners have completed a cognitive skills programme and 60 prisoners have completed a sex offender programme during 1998–99
Average annual cost per prisoner place	To keep costs within £27,904 per place available for use
The level of absence through staff sickness	To reduce the average number of days lost per person per year through staff sickness to 14

Dounreay

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland if he will make a statement on the remit of the safety review currently being conducted of the fuel cycle area at Dounreay. [43068]

Mr. Macdonald: The review was announced on 15 May and is being carried out by the Health and Safety Executive's Nuclear Installations Inspectorate and the Scottish Environment Protection Agency. The terms of reference are to carry out a detailed audit of the management of safety at Dounreay, including: the effects of contractorisation; the management of reprocessing operations; the management of radioactive waste; the management of decommissioning; the arrangements for dealing with incidents; the interface between Dounreay and UKAEA's corporate management; and to make recommendations and publish a report.

Nurse Prescribing

Mr. Kirkwood: To ask the Secretary of State for Scotland what further plans he has to extend prescribing powers to district nurses and health visitors in the two demonstration sites to the whole of Scotland; and what further expenditure has been planned in order to facilitate this process. [42570]

Mr. Galbraith: There is a commitment to continue with the phased roll-out of the nurse prescribing scheme across Scotland.

We have been proactively extending the scheme from the original two demonstration sites in May 1997, and by the end of May 1998 there will be 550 nurse prescribers in Scotland.

Mr. Kirkwood: To ask the Secretary of State for Scotland if he will list *(a)* the number of (i) district nurses and (ii) health visitors who are currently able to prescribe from the nurse formulary in Scotland, *(b)* the locations in which they are currently working, *(c)* the total public expenditure involved to date and *(d)* the level of public expenditure per location. [42571]

Mr. Galbraith: *(a)* By the end of May 1998, there will be 550 nurse prescribers in Scotland. A breakdown of this figure into district nurses and health visitors is not held centrally.

(b) The locations currently covered by those nurse prescribers are:

Location	*Number*
Ayrshire and Arran	80
Borders	30
Grampian	90
Glasgow	100
Highland	40
Lanarkshire	40
Lothian	90
Tayside	80
Total	550

A further 25 nurses each from Argyll and Clyde, Dumfries and Galloway, Fife and Forth Valley Health Boards began training in April 1998 with an anticipated completion date of September 1998. Training for the 100 nurses eligible to prescribe in the three Island Boards will begin in June with an anticipated completion date of December 1998/January 1999.

(c) The expenditure to end of March 1998 is £123,601.

(d) Each health board is allocated £100 per capita to help support the cost of staff replacement for nurses undertaking nurse prescribing training. The academic institutions providing the training are paid £85 per capita.

Local Government Boundaries

Mr. Kirkwood: To ask the Secretary of State for Scotland when he expects to publish the Scottish Local Government Boundary Commission proposals for the new local government boundaries in the Scottish Borders council area. [42572]

Mr. Macdonald: The Local Government Boundary Commission for Scotland has not yet submitted its report on the electoral boundaries for the Scottish Borders council, although it is expected by the end of June.

School Transport

Mr. Wallace: To ask the Secretary of State for Scotland if he will list *(a)* the average number of school children in Scotland travelling by school transport each day and *(b)* the number of (i) fatalities and (ii) injuries of school children involved in road accidents associated with school transport in each of the last five years. [42421]

Mr. Wilson: Tables 1 and 2 show the number of schoolchildren in Scotland provided with free transport. The figures are derived from a survey of school transport provided by education authorities in September each year.

Table 3 shows the number of road accident casualties in Scotland who were school pupils going to or from school by minibus, bus or coach for each of the last five years for which figures are available. It is not possible to identify how many of these were travelling in school transport provided by education authorities.

Table 1: Education authority school pupils receiving free transport 1992–97; number of pupils by sector

	Year (at September)					
	1992	*1993*	*1994*	*1995*	*1996*	*1997*[2]
Number:						
Total[1]	153,114	155,949	156,976	156,953	145,107	147,133
Primary	46,529	47,834	48,003	47,505	44,499	46,458
Secondary	94,569	95,729	97,910	98,136	89,001	88,040

[1] Includes pupils in special schools and departments and self-governing schools
[2] Provisional

Table 2: Education authority school pupils receiving free transport 1992–97; number of pupil journeys by type of transport

	Year (at September)					
	1992	*1993*	*1994*	*1995*	*1996*	*1997*[2]
Number:[1,3]						
Total	153,692	156,587	157,609	157,921	145,543	148,687
Bus:						
Public	45,314	45,239	39,857	40,022	25,822	39,835
EA	6,017	4,932	5,130	5,217	4,714	4,848

Table 2: Education authority school pupils receiving free transport 1992–97; number of pupil journeys by type of transport

	Year (at September)					
	1992	*1993*	*1994*	*1995*	*1996*	*1997*[2]
Contract:						
Bus	—	—	—	—	—	71,334
Minibus	—	—	—	—	—	13,289
Taxi or hire cars	—	—	—	—	—	16,938
Total Contract	91,046	94,064	98,023	98,348	98,009	101,561
Train	1,719	1,691	1,855	2,855	2,193	1,726
Other	9,596	10,661	12,744	12,141	15,549	717

[1] Number of pupils
[2] Provisional
[3] Pupils are counted once for each method of transport used
Note:
A revised classification of school transport was introduced for the 1997 survey; figures are therefore not fully comparable with those for earlier years.

Table 3: School child casualties (age 4–16) travelling to or from school by minibus, bus or coach in Scotland

	Year				
	1992	*1993*	*1994*	*1995*	*1996*
Killed	0	1	1	0	0
Injured	49	48	116	48	82

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WALES

New Deal Funding

Mr. Denzil Davies: To ask the Secretary of State for Wales what is the total estimated amount of new deal funding to be provided in Wales for (i) young people and (ii) disabled people. [42672]

Mr. Hain: The new deal is about meeting individual needs, and therefore expenditure will be determined by the number of eligible people taking-up the opportunities and the nature of their requirements.

On the basis of the planning assumptions for 1998–99, we anticipate expenditure in Wales on the new deal for 18–24 year olds to be around £20 million to £25 million.

Expenditure on people with disabilities is more difficult to estimate at this stage because the new deal for disabled people includes a number of initiatives which are currently under development. I am delighted that we have recently secured for Wales one of the first six personal adviser service pilots, which will be in the eastern valleys.

In addition to this, both the new deal for 18–24 year olds and the new deal for those aged 25 and over will provide assistance to people with disabilities who are in receipt of the job seekers' allowance and who join these programmes.

Manufacturing Industry

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on the competitiveness of manufacturing industry in Wales, with particular reference to the steel production centres in Wales. [42447]

Mr. Hain: According to the annual census of production 1996, figures indicate that manufacturing productivity in Wales was around eight per cent. higher than in the UK and around 48 per cent. higher for metals manufacturing compared to the UK. Figures relating to the competitiveness of the steel production centres in Wales are not available.

Redundancies

Mr. Barry Jones: To ask the Secretary of State for Wales what action his Department has taken following the recent redundancies announced at Assi Doran Buckley, and Kimberley Clark, Deeside; and if he will make a statement. [42455]

Mr. Hain: The training and enterprise council (CELTEC) and the Employment Service in North Wales are liaising with both companies' consultants to see what help can be given to the staff who are to be made redundant. As a "significant redundancy", employees from both companies can be considered for training for work immediately rather than having to wait six months.

Competitiveness

Mr. Barry Jones: To ask the Secretary of State for Wales how he encourages competitiveness in small businesses in Wales, with particular reference to export-dependent manufacturing businesses. [42450]

Mr. Hain: Improving the competitiveness of small firms will be one of the key issues addressed by the economic strategy for Wales which will be published shortly.

Export-dependent small manufacturing businesses have access to a wide range of overseas trade services provided by the Welsh Office and others. This includes subsidised trade missions, export market advice, and help in identifying potential new customers; and I am keen to see full use made of these important services.

Automotive Industry

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement as to how he assists the automotive industry in Wales, with particular reference to the Toyota Engine Plant, Deeside, North East Wales. [42448]

Mr. Hain: There is a wide range of assistance available to the automotive industry in Wales including, amongst other things, grant aid under the regional selective assistance, regional innovation grant, SMART, SPUR schemes; business advice; export advice; help with training; help with sourcing components; identifying land, property etc. Some of the support mechanisms are restricted to smaller enterprises but the Toyota engine plant at Deeside could avail itself of many of the above sources of assistance.

Further Education

Mr. Rowlands: To ask the Secretary of State for Wales if he will list those further education colleges which are currently in deficit; and by how much. [42613]

Mr. Hain: The further education institutions in Wales that reported historic cost deficits in their audited financial statements for the academic year ending 31 July 1997 are set out in the table.

£000

FE Institution	*Deficit*
Deeside College	982
Coleg Glan Hafren	11
Gorseinon College	124
Gwent Tertiary College	2,418
Merthyr Tydfil College	800
Pontypridd College	114
WEA North	44

Mr. Rowlands: To ask the Secretary of State for Wales how many students were in further education in Wales at the time of incorporation of the further education colleges; and what have been the annual changes in numbers since incorporation. [42647]

Mr. Hain: The numbers of full-time equivalent students in further education in Wales for the period 1992–98 are set out in the table:

Financial year	*Full-time equivalent students*
1992–93	41,860
1993–94	47,068
1994–95	50,409
1995–96	54,631
1996–97	59,228
1997–98	61,112

Mr. Rowlands: To ask the Secretary of State for Wales what has been the budget for further education in each year since incorporation and what the budget will be for 1998–99; and what percentage change has occurred since incorporation. [42646]

Mr. Hain: The total resources made available to the Further Education Funding Council for Wales (FEFCW) on an annual cash basis for the period 1993–99 are set out in the table:

Financial Year	*Total resources to FEFCW (£m)*	*Percentage change*
1993–94	143.0	—
1994–95	169.7	18.7
1995–96	175.9	3.7
1996–97	177.7	1.0
1997–98	180.5	1.6
1998–99	176.0	(-2.5)

European Structural Funds

Mr. Gareth Thomas: To ask the Secretary of State for Wales if he will make a statement on the nature and scope of his responsibilities in relation to the review of European structural funds in respect of Wales, indicating the timetable for action by his Department. [42473]

Mr. Hain: We are fully involved in the formulation of UK Government policy on structural fund reform, and our primary interests are to safeguard the position of Wales. Welsh Office officials form part of the UK delegation, co-ordinated by the DTI, negotiating the draft regulations with the Commission in Brussels. No deadline has been set for the conclusion of the negotiations, but the new funding period (2000–2006) commences on 1 January 2000.

Departmental Staff

Mr. Wigley: To ask the Secretary of State for Wales how many *(a)* temporary, *(b)* part-time and *(c)* seasonal staff worked in (i) the agricultural department and (ii) other departments of the Welsh Office in (1) 1997–98 and (2) 1998–99. [42435]

Mr. Ron Davies: *(a)* The number of temporary/seasonal staff who worked in the Agricultural Department and in the other Departments of the Welsh Office as at 1 April 1997 and 1 April 1998 is as follows:

Date	*Temporary/seasonal staff in Agriculture*	*Other departments of the WO*
1 April 1997	74	120
1 April 1998	95	125

(b) The number of permanent part-time staff who worked in the Agricultural Department and in the other Departments of the Welsh Office as at 1 April 1997 and 1 April 1998 is as follows:

Date	*Temporary/seasonal staff in Agriculture*	*Other departments of the WO*
1 April 1997	37	240
1 April 1998	34	235

Public Bodies

Mr. Gareth Thomas: To ask the Secretary of State for Wales when he proposes to notify the economic development non-departmental public bodies in Wales of his strategic guidance and targets for 1998–99; and if he will make a statement. [43545]

Mr. Ron Davies: I have today written to the chairmen of the Welsh Development Agency (WDA), the Development Board for Rural Wales (DBRW), Cardiff Bay Development Corporation (CBDC), the Land Authority for Wales (LAW) and the Wales Tourist Board (WTB), to inform them of my strategic targets and priorities for 1998–99. Copies of the letters have been placed in the Library of the House.

With the forthcoming establishment of the economic powerhouse, I will need to reconsider the priorities and targets for the enlarged agency later in the year. I have therefore set targets for the WDA, DBRW and LAW for only the first six months of the current financial year. However, the targets I have set are demanding and include private sector investment of over £400 million and the creation or safeguarding of over 8,000 jobs.

National Assembly

Dr. Marek: To ask the Secretary of State for Wales if he will list the responsibilities in respect of the *(a)* regulation of and *(b)* payment of subsidy to the railways to be transferred to the National Assembly for Wales. [43131]

Mr. Ron Davies: The Government's policy on devolution is that the National Assembly will take over virtually all of my functions as Secretary of State for Wales. This means that responsibility for the regulation and financial support of the railways will remain with the Secretary of State for the Environment, Transport and the Regions. The National Assembly will, however, assume responsibility for the payment of freight facilities grant under sections 139 and 140 of the Railways Act 1993.

Rugby League

Mr. Hoyle: To ask the Secretary of State for Wales what initiatives he is taking with regard to the introduction of professional Rugby League in Wales. [43086]

Mr. Ron Davies: None.

School Transport

Mr. Wallace: To ask the Secretary of State for Wales if he will list *(a)* the average number of school children in Wales travelling by school transport each day and *(b)* the number of (i) fatalities and (ii) injuries of school children involved in road accidents associated with school transport in each of the last five years. [42422]

Mr. Hain: The average number of children (aged four to 16) resident in Great Britain in 1992–96 who travelled to school by bus each day was about 1.7 million. Of these, about 0.5 million used a school bus. This centrally available information is from the national travel survey. Reliable estimates are not available separately for Wales.

Details of reported accidents to 4 to 16 year olds in Wales on their way to or from school as passengers on buses, coaches or minibuses for the period requested are set out in the following table:

Reported casualties of school children travelling to or from school by bus, coach or minibus (includes motor caravans) in Wales

Year	*Fatalities*	*Injuries*
1992	0	65
1993	1	106
1994	0	170
1995	0	99
1996	0	98
1997[1]	0	63

[1] Provisional.

DEFENCE

Equipment Exhibition

Mr. Cohen: To ask the Secretary of State for Defence when and where the next Royal Navy and British Army Equipment Exhibition will be held. [41945]

Mr. Spellar: We are currently considering the future of the Royal Navy and British Army Equipment Exhibition. I hope to be able to make an announcement shortly.

Sierra Leone

Mr. Blunt: To ask the Secretary of State for Defence on what dates *(a)* employees of and *(b)* personnel connected with Sandline International boarded HMS 'Monmouth' during her recent deployment to West Africa. [42558]

Mr. George Robertson *[holding answer 18 May 1998]:* So far as we have been able to establish, at no time did any person identified to be an employee of, or known to be connected with, Sandline International board HMS Monmouth during her recent deployment to West Africa.

Bulldog Trainer Aircraft

Mr. Hancock: To ask the Secretary of State for Defence when he will make an announcement on the award of the contract to replace Bulldog trainer aircraft. [43022]

Dr. Reid: "Best and final offers" have been sought from the bidders in this competition. I hope to be in a position to make an announcement of preferred bidder and choice of aircraft as soon as possible after their evaluation.

Royal Tournament

Mr. Soames: To ask the Secretary of State for Defence (1) what are the dates and locations for the Royal Tournament in *(a)* 1999 and *(b)* 2000; [43040]

(2) if he will make a statement on the future of the Royal Tournament. [43041]

Mr. George Robertson: The Royal Tournament will be held at Earl's Court between 20 July and 1 August in 1999.

For the next Century, the Royal Tournament will need to attract audiences and present the Armed Forces in a modern and effective manner which will assist recruiting. I have therefore commissioned a study to identify the options to meet that requirement for 2000 and beyond. It will report in the summer.

NORTHERN IRELAND

Rivers Agency

Mr. Salter: To ask the Secretary of State for Northern Ireland what performance targets have been set for the Rivers Agency for the financial year 1998–99. [43345]

Marjorie Mowlam: The following Key Targets have been set for the Rivers Agency for 1998–99.

- To construct or refurbish 0.59 km of urban flood defences.
- To increase the length of designated sea defences having appropriate standards of protection to 30.25%.
- To accommodate increased storm run-off from 390 hectares of development land.
- To replace/refurbish 2.0 km of dangerous culverts.
- To complete maintenance works on 265 km of urban watercourses and 1,360 km of rural watercourses.
- To construct 17 new water recreation projects throughout Northern Ireland.
- To issue substantive replies to 80% of written inquiries within 15 working days of receipt.
- To respond to 98% of Schedule 6 applications within 3 months.
- To aim to have all navigation locks operable for at least 90% of the year.
- To control programme expenditure to within 0.5% shortfall of the final control total.
- To control DRC expenditure to within 1% shortfall of the final control total.
- To achieve 3% efficiency savings in the 1998–99 financial year.

The Rivers Agency Business Plan for 1998–99 will be placed in the Libraries of both Houses of Parliament at a later date.

Health and Social Services Estates Agency

Mr. Pond: To ask the Secretary of State for Northern Ireland what changes were made to the performance targets for 1997–98 announced on 17 June 1997 for the Northern Ireland Health and Social Services Estates Agency; and what performance targets have been set for 1998–99. [43346]

Marjorie Mowlam: Modifications to some of the 1997/98 targets for the Northern Ireland Health and Social Services Estates agency were deemed appropriate after due consideration of the changes to clients' specifications for services. The modified targets are as follows:

- Deliver to the Health and Social Services Executive (HSSE) the annual Fire Report on the Health and Personal Social Services (HPSS) estate by March 1998.
- Complete for HSS Trust clients 8 Outline Business Cases of total estimated capital value £29m.
- Complete tender process and move to construction stage 4 schemes of estimated capital value £99.24m.
- Project Manage to completion on site, 11 schemes of estimated total capital value £4.435m.
- Provide lead Clerks of Works Inspection Services on Craigavon Hospital, Causeway Hospital, Altnagelvin Hospital and the Royal Group of Hospitals on projects valued at £126.35m.
- Complete an Electricity at Work Regulation compliance survey, and tender a compliance works contract for one Trust hospital site.

The targets which have been set for 1998/99 are in line with the Government's policy of seeking to improve the services provided to clients in terms of both quality and value for money. I am satisfied that the targets present a demanding challenge for the agency. They are as follows:

Delivery of Services

- Provide the Agency's services in accordance with the requirements of the Service Level Agreements with clients.
- Review the Department's fire safety policy documentation for the Health and Personal Social Services and deliver to the HSSE the annual Fire Report on the HPSS estates by March 1999.
- Assess and advise the HSSE on 60% of capital investment business case submissions within 20 working days, subject to a maximum of 15 business cases per annum.
- Provide a report on progress towards meeting Government targets on green issues by March 1999.
- Provide the HSSE with a Defects Centre in relation to the HPSS Estate. Investigate and clear 60% of all adverse incidents within 6 months of notification to Health Estates subject to a maximum of 120 adverse incidents per annum.
- Complete for HSS Trust clients 5 Outline Business Cases of capital value £11.0m approximately.
- Project manage the PFI process for one scheme with estimated capital value £9m.
- Complete planning and design team briefing for 3 schemes with estimated capital value £33m.
- Complete the tendering process and move to on-site construction stage for 2 schemes with total value £1.2m.
- Project manage to completion 6 schemes with total capital value £9m approximately.
- Project manage during construction 4 schemes for which final completion dates fall outside the year (total capital value £126m approximately).
- Complete architectural design or manage clients contracts to achieve Practical Completion of up to 15 schemes (value £4.5m approximately).

Issue Completion of Defects Certificates for 65% of clients schemes within 6 months of Defects Lists being provided to contractor, and for 90% within a further 6 months.

Issue Final Certificates within 3 months of the issue of Making Good Defects Certificates on 60% of architect led contracts, the remaining certificates to be issued within a further 12 months (except where there are outstanding contact matters or other legal process).

Complete 80% of periodic specialist sterilise equipment tests and environmental tests by the programmed dates and the remainder within 7 weeks of that date subject to a maximum client request for this service of 465 man days.

Complete 75% of diagnostic equipment and laboratory equipment acceptance tests, and other tests within 6 weeks of receipt of written request and the remainder within 10 weeks.

Complete 75% of the initial evaluations for Electro-medical Equipment Projects within 6 weeks of receipt of written request and the remainder within 10 weeks. Complete Electro-medical Equipment Projects within 10 months of clients providing their instruction to proceed.

Undertake a review of one third of the plans in place for High Voltage, Low Voltage and Medical Gas Pipelines Systems in the HPSS.

Financial Management and Efficiency

To operate the Agency within its 1998/99 funding allocation and in doing so ensure its 3 year rolling efficiency programme delivers average annual savings at least equivalent to pay and price increases.

Ensure that the Agency's financial accounting and information systems are adequate to support the preparation of auditable accounts for 1998/99.

A copy of the targets is being placed in the Library of the House.

Child Support Agency

Ms Rosie Winterton: To ask the Secretary of State for Northern Ireland what plans she has to publish details of the targets for the Child Support Agency; and if she will make a statement. [43347]

Mr. Worthington: The Child Support Agency will publish its 1998–99 Business Plan and Strategic Plan 1998–2001 today. Copies will be placed in the Library.

The targets that I have set for the Child Support Agency for 1998–99 are as follows:

15.8 million of maintenance to be collected or arranged for direct payment from absent parents to parents with care.

97 per cent. of payments made to parents with care to be made within 10 working days of receipt from the absent parent.

The cash value of all assessments checked in the year to be correct in at least 75 per cent. of cases.

Where a client is dissatisfied with a child support officer's decision and requests a review; 80 per cent. to be cleared in 13 weeks.

65 per cent. of new maintenance applications to be cleared within 22 weeks and as at 31 March 1999 no more than 0.5 per cent. of work outstanding to be over 52 weeks.

To manage the Agency's resources so as to deliver its Business Plan within the gross budget allocation as adjusted during the course of the year, this includes the administration of the Belfast CSAC.

The targets in the Business Plan present the Agency with a challenging but attainable objective which should lead to improvements both in client service and in the maintenance flowing between parents.

Roads Service

Mr. Salter: To ask the Secretary of State for Northern Ireland what steps are being taken to improve the competitiveness of the Roads Service; and what performance targets have been set for the agency in 1998–99. [43348]

Marjorie Mowlam: Following a re-examination of the Roads Service market testing commitments in the light of the Best Value principles, it has been agreed that the Roads Service should adopt a Best Value approach to the delivery of its services, based on performance measurement and the benchmarking of costs and quality of service with other organisations. This is now being developed in conjunction with the restructuring of the Agency. If internal costs prove to be uncompetitive and cannot be improved sufficiently then market testing and contracting out remain as options.

For 1998/99, the following performance targets have been set for Roads Service:

Finance

1. To maintain expenditure within cash limits and to approved budget plans.
2. Within the provision allocated, deliver an overall efficiency saving of 3 per cent. in running costs.

Output/Effectiveness

3. To maintain the Motorway network so that at least 85 per cent. has a residual life[1] of more than 5 years.
4. To maintain the Trunk Road Network so that at least 75 per cent. has a residual life of more than 5 years.
5. To maintain the condition of other roads so that the overall Road Condition Index[2] does not exceed 85.
6. To reduce by 40 per cent. the total number of injury accidents occurring at treated sites over the 3 years following the works.

Quality of Customer Services

7. To achieve consistently the key standards of service set out in the Road User's Charter Statement.

Efficiency

8. The unit cost of managing the road network to be 2 per cent. lower, in real terms, than the 1997–98 outturn figure.

[1] The maximum period remaining before the road will require major reconstruction. The higher the residual life figure, the better the condition.

[2] Obtained from analysing the results of inspection surveys covering a sample of the network. The lower the condition index figure, the better the condition.

Water Service

Ms Moran: To ask the Secretary of State for Northern Ireland what key performance targets have been set for the Water Service in 1998–99. [43349]

Marjorie Mowlam: For 1998–99, the following key performance targets have been set for the Water Service:

1. To achieve 98.2 per cent. compliance with drinking water standards set in the Water Quality Regulations (Northern Ireland) 1994.
2. To achieve 67 per cent. compliance with the wastewater treatment works discharge standards set by the Environment and Heritage Service.
3. To ensure that fewer than 0.8 per cent. of properties experience unplanned interruptions to water supplies lasting greater than 12 hours.
4. To issue substantive replies to 90 per cent. of written complaints within 15 working days of receipt.
5. To deliver water at a unit cost of 62 p per cubic metre.

6. To treat wastewater at a unit cost of 55 p per cubic metre.

7. To maintain expenditure within cash limits and to approved budget plans.

8. To achieve efficiency gains of 3 per cent. on running costs expenditure.

The targets are included in the Water Service's 1998–99 Business Plan, a copy of which will be placed in the Library.

Driver and Vehicle Licensing

Ms Moran: To ask the Secretary of State for Northern Ireland what performance targets have been set for Driver and Vehicle Licensing Northern Ireland in 1998–99. [43350]

Marjorie Mowlam: For 1998–99 the following key performance targets have been set for the Agency:

Output

1. To dispatch 96 per cent. of registration books for new vehicles in 16 working days from receipt.

2. To dispatch 95 per cent. of refunds of vehicle excise duty in 10 working days from receipt.

3. To dispatch 95 per cent. of vehicle excise licences in 5 working days from receipt of postal application.

4. To dispatch 95 per cent. of duplicate vehicle registration books in 6 working days from receipt of applications.

5. To dispatch 91 per cent. of ordinary driving licences in 9 working days from receipt of applications.

6. To dispatch 91 per cent. of vocational driving licences in 9 working days from receipt of applications.

7. To dispatch 91 per cent. of provisional driving licences in 9 working days from receipt of application.

8. To dispatch substantive replies to 96 per cent. of written inquiries for information from the drivers and vehicles registers in 3 working days from receipt.

Efficiency

9. To limit maximum waiting time at Local Vehicle Licensing Offices so that 95 per cent. of customers are attended to within 22 minutes during peak periods (the first 8 and the last 2 working days of each months) and within 10 minutes at other periods.

10. To meet an overall efficiency gain of 2.5 per cent.

Financial

11. To reduce the unit cost per vehicle excise enforcement case by 0.5 per cent. in real terms compared with 1997–98.

Quality

12. To limit the error rate (errors on any item sent out by the Agency) to a maximum of 0.5 per cent. of total Agency output.

CULTURE, MEDIA AND SPORT

National Lottery

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport (1) how many *(a)* retail outlets in total and *(b)* public houses, sell National Lottery scratchcards; [34158]

(2) how many *(a)* retail outlets in total and *(b)* public houses sell National Lottery tickets. [34159]

Mr. Banks *[holding answer 12 March 1998]:* The type and number of outlets selling National Lottery tickets and scratchcards ("Instants") is an operational matter for Camelot Group plc. I have therefore asked the Acting Director-General of the National Lottery, who is responsible for regulating the operation of the Lottery, to write to the hon. Member and copies of his response will be placed in the Libraries of the House.

Public Appointments

Jackie Ballard: To ask the Secretary of State for Culture, Media and Sport when his Department's action plan for increasing the number of women holding public appointments will be published; and if he will place a copy in the Library. [42825]

Mr. Chris Smith: My Department's action plan will be published shortly. Copies will be placed in the Libraries of the House.

Public Bodies

Jackie Ballard: To ask the Secretary of State for Culture, Media and Sport (1) what is the average attendance fee of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department; [42824]

(2) what is the average salary of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department. [42823]

Mr. Chris Smith: Most board members of non-departmental public bodies given their time and services voluntarily and receive no payment other than normal travel and subsistence expenses. Where remuneration is payable, it can take the form of an annual salary, an honorarium or an attendance fee (which itself can be a daily or a half-daily rate, or calculated on a per meeting or per case basis). Individuals' remuneration therefore is not directly comparable. Full details of all payments to board members of non-departmental bodies, by gender, are, however, given in the Cabinet Office publication "Public Bodies". Copies of "Public Bodies 1997" are available in the Libraries of the House.

Information

Mr. Sanders: To ask the Secretary of State for Culture, Media and Sport if his Department operates a monitoring exercise of persistent inquirers for information. [42637]

Mr. Tom Clarke *[holding answer 19 May 1998]:* The Department for Culture, Media and Sport does not operate a monitoring exercise of persistent inquiries for information.

Swimming

Mr. Gareth Thomas: To ask the Secretary of State for Culture, Media and Sport if he will launch a national media campaign *(a)* to make children aware of water safety and *(b)* to encourage them to learn to swim. [41452]

Mr. Banks: Swimming has my full support, as it is one of our healthiest recreational pursuits. I am keen to see children participate at the earliest possible opportunity and through the English Sports Council, the Government are encouraging the Amateur Swimming Association (ASA) to provide an opportunity for everyone to learn to swim. The ASA receives £215,000 grant-in-aid from the English Sports Council, and a proportion of this money helps to fund this initiative.

Indemnity Scheme

Caroline Flint: To ask the Secretary of State for Culture, Media and Sport how many indemnity undertakings were given by departments under section 16 of the National Heritage Act 1980 for the six-month period ended 31 March; and what was the value of *(a)* any contingent liabilities in respect of such undertakings given at any time under that section which remain outstanding as at 31 March, *(b)* non-statutory Government indemnities in respect of loans handled by the Government Art Collection which remain outstanding as at 31 March and *(c)* non-statutory undertakings to Her Majesty in respect of loans from the Royal Collection which remain outstanding at 31 March. [43579]

Mr. Chris Smith: The provision for the Government Indemnity Scheme is made by the National Heritage Act 1980. The scheme facilitates public access to loans of works of art and other objects for public display made to museums, galleries and other such institutions by private owners and non rational institutions. It does this by indemnifying lenders against loss or damage to their loan. Loans covered by the scheme must be for public benefit. The scheme also covers loans of such objects for study purposes within borrowing institutions where this would contribute materially to the public's understanding or appreciation of the loan. Examples of this are enhancing interpretation or explanation to the public of objects or bringing into the public domain the conclusions of any study.

In the six-month period ended 31 March 1998, the following undertakings to indemnify were given under section 16 by the relevant Departments for objects on loan to national and non-national institutions.

The value of contingent liabilities in respect of undertakings given at any time under section 16 and which remained outstanding as at 31 March 1998 is:

	£
Department for Culture, Media and Sport	1,568,106,674
Scottish Office Education and Industry Department	34,704,728
Welsh Office Education Department	39,141,000
Department of Education for Northern Ireland	9,123,490

The value of non-statutory Government indemnities to cover loans handled by the Government Art Collection and which remained outstanding as at 31 March 1998 is £9,000,000.

The value of non-statutory Undertakings given to Her Majesty in respect of loans from the Royal Collection and which remained outstanding as at 31 March 1998 is £155,667,655.

Sports Clubs (Rate Relief)

Mr. Pendry: To ask the Secretary of State for Culture, Media and Sport what was the cost in 1997–98 of the discretionary rate relief for voluntary sports clubs in England and Wales. [42911]

Mr. Raynsford: I have been asked to reply.

The information requested is not available.

The most reliable figures that are available are estimates for 1998–99, when we expect about £35 million of relief to be granted to non-profit organisations in England and Wales. We do not have any breakdown of this figure between sports clubs and other non-profit making bodies.

Some sports clubs have charitable status and are entitled to relief under the separate mandatory relief provisions.

AGRICULTURE, FISHERIES AND FOOD

Food Standards Agency

Mr. Hill: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the responses to the public consultation on the White Paper, "The Food Standards Agency: A Force for Change". [43436]

Dr. John Cunningham: The Government have received over a thousand responses to public consultation on the Food Standards Agency White Paper, reflecting the considerable importance that the British public attaches to issues of food safety and standards. The responses show widespread support for the general thrust of our proposals.

The many useful comments we have received will inform the preparation of draft legislation, which will be published later in the summer for a final round of public consultation. We will also issue a detailed paper for separate consultation on the proposal to charge the food industry for a greater proportion of food safety costs. The Government are considering, alongside the White Paper responses, the comments made by the Agriculture Select Committee in its recent report on food safety, and will publish its response in due course.

I have today placed in the Library of the House copies of those responses to the White Paper for which confidentiality was not requested by the respondent. These are accompanied by an alphabetical index and a summary of comments on individual parts of the Government's proposals. All will be available in the Library for the next six months.

Dr. Gibson: To ask the Minister of Agriculture, Fisheries and Food if he will set criteria to govern the priorities of the research programme of the proposed Food Standards Agency. [42620]

Mr. Rooker: The proposed Food Standards Agency will have a substantial research budget to support its work on food safety and standards. It will be for the Agency to establish its research priorities, although it will no doubt wish to consult a wide range of interested parties.

Genetically Modified Plant Varieties

Mr. Alan Simpson: To ask the Minister of Agriculture, Fisheries and Food when he will publish his response to the discussion paper Weed Control of the Farm: Management of Genetically Modified Herbicide Tolerant Crops. [42971]

Mr. Rooker: We expect to make an announcement in the near future.

Mr. Alan Simpson: To ask the Minister of Agriculture, Fisheries and Food which are the first five applications he has received for National Seed Listing of genetically modified varieties for which his Department will make a proposed listing decision; and when such decisions will be taken. [42970]

Mr. Rooker: The timing of applications for addition of plant varieties to the National List depends on crop species. Applications for the addition of two genetically modified spring oilseed rape varieties were submitted in December 1995, under the names "Socrates" and "Archimedes". At the same time, applications for plant breeders' rights were submitted for these two varieties. Applications for plant breeders' rights were also submitted for a further three varieties of spring oilseed rape in December 1995 (reference numbers AFP 35/853, 35/957 and 35/958), but no applications for addition to the National List were submitted in respect of these three varieties.

Addition of a genetically modified plant variety to the National List does not, on its own, permit marketing. Appropriate consents must also be obtained in accordance with Council Directive 90/220/EEC on the release of genetically modified organisms into the environment. A decision about whether to add the varieties "Socrates" and "Archimedes" to the National List will not be taken until the necessary marketing consents have been promulgated by the French Competent Authority, to whom the marketing application was submitted.

Mr. Alan Simpson: To ask the Minister of Agriculture, Fisheries and Food if he will list each application received for National Seed Listing of genetically modified varieties indicating the application number, the company name and the modified trait. [42972]

Mr. Rooker: The information requested is as follows:

AFP number	*Species*	*National list applicant*	*Trait of genetic modification*
45/798	Sugar beet	Kleinwanzlebener Saatzucht AG. Germany	Glufosinate resistance
45/822	Sugar beet	Novartis Seeds AB. Sweden	Glyphosate resistance
45/813	Sugar beet	Danisco Seeds, UK	Glyphosate resistance
45/774	Sugar beet	Hilleshog AB. Sweden	Glyphosate resistance
45/749	Sugar beet	Kleinwanzlebener Saatzucht AG. Germany	Glufosinate resistance
51/833	Maize	Van Der Have, Netherlands	Glufosinate resistance
35/959	Oilseed rape	Plant Genetic Systems, Belgium	Glufosinate resistance
35/960	Oilseed rape	Plant Genetic Systems, Belgium	Glufosinate resistance
35/1016	Oilseed rape	Deutsche Saatveredelung GmbH, Germany	Glufosinate resistance
35/1062	Oilseed rape	Monsanto Crop Protection, UK	Glyphosate resistance
35/1174	Oilseed rape	Plant Genetic Systems, Belgium	Glufosinate resistance
35/1175	Oilseed rape	Plant Genetic Systems, Belgium	Glufosinate resistance
35/1176	Oilseed rape	Plant Genetic Systems, Belgium	Glufosinate resistance
35/1184	Oilseed rape	Monsanto Crop Protection, UK	Glufosinate resistance
35/1185	Oilseed rape	Monsanto Crop Protection, UK	Glyphosate resistance
35/1205	Oilseed rape	Calgene Inc. USA	High laurate
35/1206	Oilseed rape	Calgene Inc. USA	High laurate
35/1210	Oilseed rape	Plant Genetic Systems, Belgium	Glufosinate resistance
35/1211	Oilseed rape	Plant Genetic Systems, Belgium	Glufosinate resistance
35/1222	Oilseed rape	Pioneer Hi-Bred International Inc. USA	Glyphosate resistance

Whaling

Mr. Nicholas Winterton: To ask the Minister of Agriculture, Fisheries and Food what representations Her Majesty's Government have made to the Governments of Norway and Japan to bring about an end to the whaling activities of these countries within the designated whale sanctuary in Antarctic waters. [43090]

Mr. Morley: My Government colleagues and I take every opportunity to draw the attention of the Japanese and Norwegian Governments to our continuing opposition to the former's whaling activities in the Southern Ocean Sanctuary and to the latter's commercial whaling in the North Atlantic. The United Kingdom delegation will be making our views very clear at the meeting of the International Whaling Commission that is currently taking place in Oman.

Pesticides

Mr. Tyler: To ask the Minister of Agriculture, Fisheries and Food when he expects to publish the report of the inter-departmental committee on organophosphate pesticides; and if he will make a statement. [42615]

Mr. Rooker: The report of the interdepartmental committee of officials on organophosphates is being considered by all relevant Ministers. The report and Ministers' conclusions on it will be published in due course.

Quarantine

Mr. Hancock: To ask the Minister of Agriculture, Fisheries and Food what representations he has received concerning changes to quarantine regulations for domestic animals returning from EU countries. [42669]

Mr. Rooker: The Department has received numerous representations from members of the public and various organisations with an interest in the future of rabies control policy. I expect to receive the report of the Advisory Group on Quarantine in June. It will then be published and a full public consultation held.

Agriculture Council

Mr. Matthew Taylor: To ask the Minister of Agriculture, Fisheries and Food how many environmental

appraisals were produced by the European Commission to accompany proposals presented to the EU Agriculture Council on 16 and 17 February. [42663]

Mr. Rooker: None.

Public Appointments

Jackie Ballard: To ask the Minister of Agriculture, Fisheries and Food when his Department's action plan for increasing the number of women holding public appointments will be published; and if he will place a copy in the Library. [42834]

Mr. Morley: The Department's action plan will be published shortly. Copies will be placed in the Library of the House.

Salt (Labelling)

Dr. Gibson: To ask the Minister of Agriculture, Fisheries and Food what plans he has to ensure that consumers are informed of salt levels in processed foods. [42925]

Mr. Rooker: The United Kingdom has proposed that EC legislation on nutrition labelling should be amended in order to require most processed food labels to carry quantitative information about sodium content.

Central Science Laboratory

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food if the decision on the building of the Central Science Laboratory at Sand Hutton, York, relied upon the closure of the CSC Laboratories at Torry or at Norwich. [42998]

Mr. Rooker: No. The decision in 1991 to build the Central Science Laboratory at Sand Hutton, York took no account of the activities at either the Torry or Norwich Food Science Laboratories.

Hospitality

Mr. Bercow: To ask the Minister of Agriculture, Fisheries and Food if he will list planned expenditure on hospitality for April and May, indicating the date, location and purpose of each event. [35123]

Dr. John Cunningham: At this stage, it is not possible to provide detailed figures for total expenditure on hospitality; engagements will obviously continue to arise up to the end of this month.

However, the major events to take place during April and May have resulted from the UK's Presidency of the European Union. I hosted the Informal Council of EU Agriculture Ministers in Newcastle on 10–12 May, and there have been a number of related meetings at official level. Estimated hospitality expenditure for all these events is in the region of £275,000.

Payments

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food if he will list the deadlines for all payments to be made by his Department where annual claims are required; and if he will give the timescale for payment after receipt of claim for all other schemes. [41608]

Mr. Rooker: The statutory payment deadlines for schemes administered by the Department, which require annual claims to be made, are as set out. (These do not include scheme payments by the Intervention Board).

Arable Area Payments Scheme for cereals, linseed, proteins and set-aside (other than set-aside used for the production of non-food crops): by 31 December of the year of harvest. Payments on oilseeds are made in two instalments; an advance payment by 30 September of the year of harvest followed by a final payment within 60 days of the date of publication of the Regulation fixing the final regional reference amounts in the *Official Journal* of the European Communities (generally in February or March of the year following harvest). For set-aside land on which non-food crops are grown, the final date for payment is 31 March in the year following harvest.

Grain Legumes Scheme: 60 days after the date of publication of the final amount of aid, which generally takes place during December of the marketing year in question.

Suckler Cow Premium Scheme and the Beef Special Premium Scheme: except in duly justified exceptional circumstances, by 30 June of the year following the calendar year in respect of which the premium is applied for.

Sheep Annual Premium Scheme: by 15 October following the end of the marketing year in respect of which the premium has been granted.

Agri-environment Schemes: no later than 4 months after the end of the period to which the payment relates. In England, the schemes covered by this provision are: Countryside Stewardship, Environmentally Sensitive Areas, Nitrate Sensitive Areas, the Organic Aid Scheme, the Habitat Scheme, the Countryside Access Scheme and the Moorland Scheme. Payment periods vary both within and between these schemes.

Apple and Pear Orchard Grubbing Up Grant Scheme 1998: not later than 4 months after the land has been inspected by MAFF officials to establish that grubbing up of the trees has taken place.

There are two schemes operated by the Ministry for which statutory payment deadlines apply but for which there is no requirement for annual claims. These are, firstly, the Farm Woodland Premium Scheme, for which the first annual payment is made during the twelve months following the payment of the first instalment of grant under the Forestry Commission's Woodland Grant Scheme, and for which subsequent annual payments are made on 16 October in each year or on such other date as my right hon. Friend may decide; and, secondly, the Farm Woodland Scheme, for which annual payments are made on 1 October in each year or on such other date as my right hon. Friend may decide.

The Department also administers a number of other schemes for which statutory payment deadlines have not been laid down.

Green-top Milk

Mr. Martlew: To ask the Minister of Agriculture, Fisheries and Food if he will ban the sale of green-top milk. [43186]

Mr. Rooker: I will make an announcement in due course, when we have reviewed the public consultation responses in the light of scientific advice.

Fur Breeders (Compensation)

Mr. Swayne: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on his plans to ban fur breeding; and what estimate he has made of the cost of compensation to fur breeders. [42968]

Mr. Morley: The Government remain firmly committed to implementing their pre-election pledge to prohibit fur farming as soon as practicable. Such a ban must be implemented in accordance with national and international law and I am currently considering how our intention can best be implemented. An announcement will be made once I have decided how to proceed and there will be public consultation on any proposals for legislation to ban fur farming.

Agricultural Grants

Mr. Wigley: To ask the Minister of Agriculture, Fisheries and Food what was the cost to his Department of administering grants to agriculture in the last year; and how many *(a)* full-time and *(b)* part-time staff were involved. [42438]

Mr. Morley: The information could be provided in the form requested only at disproportionate cost. However, comprehensive information about the Department's activities, including details of the administration costs associated with each of its principal spending programmes for the year ending March 1998, is contained within the 1998 Departmental Report (Cm 3904), copies of which have been placed in the Library of the House.

Consultation Papers

Mr. Gordon Prentice: To ask the Minister of Agriculture, Fisheries and Food if he will list the consultation papers published since 1 May 1997 giving the date of publication, closing date for submissions and the number of respondents. [42252]

Mr. Morley: As the list is lengthy, the information has been placed in the Library.

Tuberculosis

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food if he will list by county the total number of herds affected by tuberculosis outbreaks in 1997, separately identifying those where no previous outbreak had been recorded for 10 years. [28029]

Mr. Rooker *[pursuant to his reply, 6 February 1998, c. 818]:* I regret that some of the information given in my earlier reply was inaccurate. I am now able to give corrected, final data showing the number of herds confirmed by MAFF Divisional Veterinary Managers to have been affected by tuberculosis in 1997.

The figures include those herds which continued to be affected with confirmed disease from previous years (ie those to which herd restrictions continued to apply during at least part of 1997) and those newly affected in 1997.

I have written to the hon. Member with the additional information which he requested, and copies of this letter have been placed in the Library of the House.

County	*1997 total confirmed TB herd breakdowns*
Avon	24
Bedfordshire	0
Berkshire	0
Buckinghamshire	0
Cambridgeshire	0
Cheshire	1
Cleveland	0
Cornwall	122
Cumbria	0
Derbyshire	3
Devon	114
Dorset	15
Durham	0
East Sussex	4
Essex	1
Gloucestershire	103
Greater London	0
Greater Manchester	0
Hampshire	0
Hereford and Worcester	126
Hertford	0
Humberside	0
Isle of Wight	0
Isles of Scilly	0
Kent	0
Lancashire	0
Leicestershire	1
Lincolnshire	0
Merseyside	0
Norfolk	0
North Yorkshire	0
Northamptonshire	1
Northumberland	0
Nottinghamshire	0
Oxfordshire	0
Shropshire	7
Somerset	32
South Yorkshire	0
Staffordshire	29
Suffolk	0
Surrey	0
Tyne and Wear	0
Warwickshire	0
West Midlands	0
West Sussex	0
West Yorkshire	0
Wiltshire	34
England total	617
Clwyd	0
Dyfed	40
Gwent	48
Gwynedd	0
Mid Glamorgan	2
Powys	4
South Glamorgan	0
West Glamorgan	3
Wales total	97
Aberdeenshire	2
Angus	0
Argyll	0
Ayrshire	0
Banffshire	0
Berwickshire	0
Bute	0
Caithness	2

County	1997 total confirmed TB herd breakdowns
Clackmannan	0
Dumbartonshire	1
Dumfriesshire	0
East Lothian	0
Fife	0
Inverness-shire	0
Kincardine	1
Kinross	0
Kirkcudbright	4
Lanarkshire	1
Midlothian	0
Moray	0
Nairn	0
Orkney	0
Peebles	0
Perthshire	1
Renfrew	0
Ross and Cromarty	0
Roxburgh	0
Selkirk	0
Shetland	0
Stirling	0
Sutherland	0
West Lothian	0
Wigtown	3
Scotland total	15

Food (Salt Levels)

Dr. Gibson: To ask the Minister of Agriculture, Fisheries and Food what research he is *(a)* commissioning and *(b)* evaluating on the link between high blood pressure and salt levels in food. [42621]

Ms Jowell: I have been asked to reply.

At the request of the Department, the Faculty of Public Health Medicine, in collaboration with the British Heart Foundation, hosted a seminar to bring together a wide range of scientific opinion from academia and industry to review the link between high blood pressure and salt consumption, and to consider whether a reduction in salt consumption for the general population is advisable. A report is expected later this year.

The Department has not commissioned research on the links between high blood pressure and salt levels in food.

MINISTER WITHOUT PORTFOLIO

Millennium Dome

Mr. Fabricant: To ask the Minister without Portfolio what percentage of the construction workers at the Millennium Dome site in Greenwich have suffered from *(a)* dermatological and *(b)* pulmonary, including asthmatic, dysfunctions over the last six months; and how many working days have been lost as a result of *(a)* and *(b)*. [38214]

Mr. Mandelson *[holding answer 7 April 1998]:* I refer the hon. Member to the answer I gave the hon. Member for Lewes (Mr. Baker) on 6 April 1998, *Official Report*, column 78.

Mrs. Curtis-Thomas: To ask the Minister without Portfolio what plans he has to exhibit United Kingdom engineering excellence in the Millennium Dome; and if he will make a statement. [41103]

Mr. Mandelson: The structure of the Dome is already a clear demonstration of the United Kingdom's excellence in architecture, engineering and design, and stands as an impressive new landmark on London's skyline. The exhibits in, and construction of the content of, the Dome will also provide many opportunities to demonstrate the UK's engineering excellence. In addition, a number of state-of-the art designs from the Millennium products award scheme will be featured inside the Dome.

Mr. Baker: To ask the Minister without Portfolio if the Guidance on Policy Appraisal and the Environment produced by DETR was fully applied in respect of the choice of the air-conditioning system for the Dome. [41775]

Mr. Mandelson *[holding answer 14 May 1998]:* The Department of the Environment, Transport and the Regions (DETR) "Policy Appraisal and the Environment" guidance concerns appraisal of the environmental effects of policies or programmes, not projects. DETR have issued other guidance and advice on green issues that are more relevant to projects. In particular, DETR's "Green Guide for Buyers" recognises that HFCs have a high total equivalent warming impact if they are allowed to escape into the atmosphere and, as a consequence, their use is discouraged where there is a risk of high emissions. High emissions are defined in the voluntary agreement between the refrigeration industry and the Government as those in excess of 10 per cent. loss of initial charge annually from service and/or breakdown. The New Millennium Experience Company (NMEC) has set a target of 1 per cent. for the chiller units which they have procured for the Dome. Regular independent audits will be carried out to ensure that the target is met.

Mrs. Brinton: To ask the Minister without Portfolio in what ways the Millennium Dome will demonstrate environmentally friendly British technology. [41930]

Mr. Mandelson: The exhibit in the Dome currently entitled "Living Island" will explore ways in which individuals can protect and enhance their environment. The New Millennium Experience Company (NMEC) is in regular touch with DTI and DETR on science and technology and environmental matters, and is consulting and seeking advice from a number of environmental groups about the content and nature of this zone. The NMEC aims to include a range of features on the Dome site which demonstrate applications of environmental technology. The Millennium Experience will also feature a number of environmental state of the art products and services from the Millennium products award scheme.

Mr. Mitchell: To ask the Minister without Portfolio (1) what fire prevention measures will be installed in the Millennium Dome; [42654]

(2) what assessment he has made of the risk of release of toxic gases from the structure of the Millennium Dome in the event of a fire. [42616]

Mr. Mandelson: The New Millennium Experience Company's (NMEC) first concern is with the safety of people visiting and working in the Dome. The Company

has been liaising closely with Greenwich Council and the London Fire and Civil Defence Authority (LFCDA) on fire prevention and safety issues. It has carried out detailed investigations into the potential effects of fire on the Dome's structure, with particular attention to the cladding material. The use of PTFE coated glass fibre cladding has been accepted both by Greenwich Council and by the LFCDA.

A number of fire prevention and detection measures will be adopted within the Millennium Dome both to minimise the risk of fire and to ensure early warning and the safety of the public in the event of a fire. Sprinkler systems and smoke extractors will be installed to minimise the impact of fire. Detailed studies have been carried out to ensure effective evacuation should this prove necessary.

Millennium Projects

Mr. Cousins: To ask the Minister without Portfolio what steps he is taking to encourage cheap and concessionary travel to major millennium projects and events. [41480]

Mr. Mandelson *[holding answer 13 May 1998]:* The New Millennium Experience Company (NMEC) is discussing with transport providers ways of enabling them to sell Dome entrance and travel tickets in attractive packages for visitors travelling from all parts of the United Kingdom.

DUCHY OF LANCASTER

Focus Groups

Mr. Mullin: To ask the Chancellor of the Duchy of Lancaster (1) what guidance has been issued to Government departments and executive agencies on the criteria to be employed in the *(a)* designing, *(b)* commissioning and *(c)* interpretation of the findings of focus groups; [43077]

(2) if he will list the *(a)* companies, *(b)* organisations and *(c)* individuals who have supplied Government departments and executive agencies with information from focus groups and the fees paid in each case. [43076]

Dr. David Clark: I refer my hon. Friend to the answer I gave to the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) on 20 April 1998, *Official Report*, column *536*.

Information on which companies, organisations or individuals have supplied Departments and Executive Agencies with information from focus groups, and the fees paid in each case is not held centrally.

TREASURY

Inflation

16. **Mr. Skinner:** To ask the Chancellor of the Exchequer what assessment he has made of the latest figures for inflation; and if he will make a statement. [41690]

Mrs. Liddell: The latest figures are in line with the Government's forecasts for inflation which were published in the Financial Statement and Budget Report (March 1998).

Work (Financial Reward)

17. **Fiona Mactaggart:** To ask the Chancellor of the Exchequer what measures he has put in place to increase the financial reward from work. [41691]

Dawn Primarolo: The Budget contained a number of measures to help ensure that work pays, including the Working Families Tax Credit and reform to National Insurance Contributions.

Finance Bills (Draft Regulations)

18. **Mr. Gibb:** To ask the Chancellor of the Exchequer when draft regulations will be published in respect of each Finance Bill provision specifying the need for Treasury regulations. [41692]

Dawn Primarolo: Where appropriate, draft regulations will be published throughout the year.

EU Programmes (Administrative Currency)

19. **Mr. David Heath:** To ask the Chancellor of the Exchequer what will be the administrative currency for the purposes of the common agricultural policy and other European Union programmes following the introduction of the euro. [41693]

Mrs. Liddell: From 1 January 1999, the euro will replace the ecu as the currency of denomination of the EC budget. The Commission has not yet put forward proposals for how currency transactions with the Member States not participating in the single currency should be handled following the introduction of the euro. The Government understand the Commission still has the matter under consideration but that it proposes to set out its views in the Summer.

Tourism Industry (VAT)

21. **Mr. Quinn:** To ask the Chancellor of the Exchequer if he will make a statement on the imposition of VAT on the United Kingdom tourism industry. [41695]

Dawn Primarolo: Hotel and tourist accommodation has been taxed at the standard rate since VAT started in 1973, in line with other forms of discretionary expenditure.

Euro

22. **Mr. Timms:** To ask the Chancellor of the Exchequer what is his latest assessment of the preparedness of British companies for the introduction of the euro. [41696]

Mrs. Liddell: The introduction of the euro in 11 European countries on 1 January 1999 will impact upon many UK businesses. We are committed to ensuring that all businesses are made aware of the need to examine their own position, and that those firms which will be affected are fully equipped to respond. This is a major task. A recent Treasury survey of over 1,300 small and medium firms revealed that only 11 per cent. knew that the euro

will start operating in the participating Member States on 1 January next year. Only 5 per cent. had made any specific preparations for this.

This survey will provide a benchmark to help gauge the success of future efforts to increase business preparedness. The Euro Preparations Unit within HM Treasury will play a key role in helping to co-ordinate private and public sector activities to this end.

Individual Savings Accounts

23. **Mr. Laurence Robertson:** To ask the Chancellor of the Exchequer what assessment he has made of potential charges made by insurance companies to existing PEP holders for transferring to ISAs. [41697]

Mr. Geoffrey Robinson: There are no proposals to allow existing PEP investments to be transferred to individual savings accounts. PEPs in existence at 5 April 1999 can remain tax free, outside the ISA, under the existing rules.

35. **Mr. Loughton:** To ask the Chancellor of the Exchequer what representations he has received from the finance industry regarding the new proposals for ISAs and the use of benchmarking for financial products. [41709]

Mrs. Liddell: The Treasury published a consultation document on 18 May. The document invites contributions from all interested parties. During the pre-consultation period, the Treasury sought the views of a number of firms and organisations on certain aspects of the proposals.

Mr. Beith: To ask the Chancellor of the Exchequer when the Paymaster General expects to reply to the letter of 9 December 1997 from the right hon. Member for Berwick-upon-Tweed on behalf of Mr. D. N. Peck of Swallhook, 19 Mariners View, Amble, about individual savings accounts. [42868]

Mr. Geoffrey Robinson: I have done so today. I very much regret that the right hon. Gentleman's letter was mislaid by the Inland Revenue.

Pensioners' Fuel Bills

24. **Mr. Sutcliffe:** To ask the Chancellor of the Exchequer what measures he has introduced to reduce pensioners' fuel bills. [41698]

Dawn Primarolo: In his July 1997 Budget, the Chancellor announced the reduction in VAT on fuel and power for domestic users from 8 per cent. to 5 per cent. This cut took effect from 1 September 1997. VAT on the costs of installing energy saving insulation materials where those costs are funded by certain grant schemes reduced from 17½ per cent. to 5 per cent. This will allow more pensioner and low-income households to improve the insulation of their homes and helps to reduce their fuel bills. This tax cut will take effect from 1 July. The Chancellor also announced that the Gas Levy would be cut to zero with effect from April 1998. The levy distorted the energy market and meant higher prices for consumers.

In his November 1997 Pre-Budget report, the Chancellor announced the introduction of a new Winter Fuel Payment giving additional help for all pensioners with their fuel bills. Last winter, every pensioner household received £20, with the poorest pensioner households receiving £50, to help with their fuel bills. Nearly ten million payments have been made to pensioners in seven million households.

Windfall Levy

25. **Mr. Russell Brown:** To ask the Chancellor of the Exchequer what representations he has received on his policy of spending the windfall levy on an extension of the welfare-to-work programme. [41699]

Mr. Geoffrey Robinson: My right hon. Friend the Chancellor announced a major extension of the Welfare to Work initiative in his recent Budget. We will provide additional help to young people, the long-term unemployed, lone parents, people with disabilities and partners of the unemployed. This commitment has been welcomed by employers, unemployed people, the voluntary sector and the wider public. The Chancellor's and Secretary of State for Northern Ireland's initiative to expand the New Deal for the long-term unemployed in Northern Ireland, as part of a wider strategy for investment and enterprise, has been particularly welcomed in the Province.

EMU

26. **Miss McIntosh:** To ask the Chancellor of the Exchequer what assessment he has made of the impact of economic and monetary union on the interest rates in participating states. [41700]

Mrs. Liddell: Official interest rates in the euro area will be a matter for the European Central Bank (ECB). The primary objective of the ECB is to achieve price stability in the euro area.

27. **Mr. Dalyell:** To ask the Chancellor of the Exchequer what representations he has received on the early entry of the United Kingdom into the economic and monetary union. [41701]

Mr. Gordon Brown: I regularly receive representations from business and other organisations about economic and monetary union.

Capital Gains Tax

28. **Mr. Clifton-Brown:** To ask the Chancellor of the Exchequer if he will make a statement on the yield from the capital gains tax changes resulting from his recent Budget. [41702]

Dawn Primarolo: The structural changes to capital gains tax are broadly revenue neutral. They are expected to have a negligible effect in 1998–99; to cost £25 million 1999–2000; and to yield £25 million in 2000–01.

Saving

29. **Mr. Gray:** To ask the Chancellor of the Exchequer what steps he has taken to encourage individuals to save. [41703]

Mr. Darling: It is this Government's policy to encourage individuals to save. We have given the Bank of England responsibility for setting interest rates to achieve the Government's inflation target. This, together with the Code For Fiscal Stability, will ensure economic stability and the right conditions in which individuals will be encouraged to save with confidence.

In addition, we have introduced plans for the Individual Savings Account specifically to develop and extend the savings habit. We re also consulting on the introduction of voluntary CAT standards for ISAs to help ordinary people save with confidence. CAT standards will focus on reasonable cost, easy access and fair terms.

36. **Mr. Prior:** To ask the Chancellor of the Exchequer if he will make a statement on his forecast for the savings ratio over the next two years. [41710]

Mrs. Liddell: A modest cyclical fall in the saving ratio is expected over the next two years. Over the longer term, the introduction of ISAs and our policies to promote economic growth and stability will increase the incentive to save for investment.

Working Families Tax Credit

30. **Ms Lawrence:** To ask the Chancellor of the Exchequer what representations he has received on the working families tax credit. [41704]

Mr. Gordon Brown: The Working Families Tax Credit has been welcomed by a wide range of individuals and organisations.

Charity Taxation

31. **Mr. Fraser:** To ask the Chancellor of the Exchequer when the Government intend to publish their consultation document in respect of the review of charity taxation. [41705]

Dawn Primarolo: We are planning to publish the consultation document for the Review of Charities' Taxation in the next few weeks.

Knowledge-based Industries

32. **Mr. Sheerman:** To ask the Chancellor of the Exchequer what representations he has received regarding the introduction of new tax incentives to stimulate knowledge-based industries. [41706]

Mr. Geoffrey Robinson: The Government are currently consulting on how the UK can improve its research and development performance. The period of consultation runs until 30 June. The results of the consultation will inform preparations for the next Budget and the DTI's Competitiveness White Paper to be published later in the year.

Banks (Supervision)

33. **Mr. Vaz:** To ask the Chancellor of the Exchequer what proposals he has to improve the supervision of banks. [41707]

Mrs. Liddell: The regime for prudential supervision of banks is kept under constant review, both at home and internationally, in fora such as the European Union and the Basle Committee on Banking Supervision. When changes are needed, to reflect the nature of the markets in which banks operate, they are made. As my hon. Friend will be aware, we have announced major reforms to the structure of financial supervision in the UK. On 1 June, responsibility for the supervision of banks will transfer from the Bank of England to the Financial Services Authority.

Third-world Debt

34. **Mr. Rhodri Morgan:** To ask the Chancellor of the Exchequer what steps he is taking to reduce the debt burden of the poorest countries. [41708]

Mrs. Liddell: Debt relief was discussed at the G8 foreign and finance ministers meeting on 9 May and the G8 Summit in Birmingham last weekend. The G8 agreed to encourage all eligible countries to adopt the policy measures necessary to embark on the process of securing a sustainable exit to their debt burdens by the year 2000, and agreed that their export credit agencies would seek to ensure their export credits to Heavily Indebted Poor Countries (HIPCs) would be used only for productive expenditure.

The Chancellor's latest initiative has concerned the debt burden of countries that have recently emerged from conflict. The communiqué issued after the Birmingham summit recognised that the present framework of the HIPC initiative was not able to provide debt relief quickly enough to post-conflict countries. These countries have large arrears to the International Financial Institutions (IFIs) and require special assistance in the wake of long conflicts. The G8 urged the IMF and World Bank to look at the possibilities of helping these post-conflict countries—which include Burundi, Democratic Republic of Congo, Liberia and Rwanda—by finding mechanisms for dealing with their arrears payments to the IFIs.

Mr. Canavan: To ask the Chancellor of the Exchequer how many representations he has received about third-world debt; and how much money has been sent to him by people making such representations. [41677]

Mr. Gordon Brown: Since 1 January 1997, the Treasury has received over 12,000 letters and postcards on the subject of third-world debt. To date, more than £7,000 has been sent in as part of these campaigns.

Motor Fuels (Northern Ireland)

Mr. William Ross: To ask the Chancellor of the Exchequer for what reasons the Financial Secretary to the Treasury declined to meet the officers of the Petrol Retailers Association to discuss the illegal importation of petroleum products into Northern Ireland; and if he will make a statement. [42885]

Dawn Primarolo: Both the Chancellor and I have received representations from the Petrol Retailers Association via Northern Ireland MPs. These representations cover both the difference in the selling price of petrol and diesel in Northern Ireland and the Republic of Ireland, and the illegal importations which are taking place as a result. The letters have received replies explaining the measures which are being taken to counter the threat posed by this illegal trade.

Mr. William Ross: To ask the Chancellor of the Exchequer if he will list the amounts of motor fuels by type sold in Northern Ireland in each quarter of 1997 and the first quarter of 1998. [42883]

Dawn Primarolo: The information is given in the table:

Year	Deliveries tonnes Leaded petrol	Unleaded petrol	Diesel
1997			
Quarter 1	35,515	88,670	91,479
Quarter 2	33,446	92,730	96,101
Quarter 3	25,181	82,349	76,361
Quarter 4	22,570	85,791	73,975
1998			
Quarter 1	18,749	78,641	66,827

Note:
Figures supplied by Department of Trade and Industry

Mr. William Ross: To ask the Chancellor of the Exchequer what investigations his Department has carried out into illegal importing of petroleum products from the Irish Republic into Great Britain in recent months. [42886]

Dawn Primarolo: HM Customs and Excise are deploying resources and actively mounting investigations against those involved in the illegal importation of petroleum products into Northern Ireland to counter the threat posed to the revenue and to the Northern Ireland business community. HM Customs and Excise are taking the lead on this issue but are acting in conjunction with other authorities, including the Royal Ulster Constabulary, to make seizures of oil tankers and vehicles carrying oil tanks filled with illegally imported fuel for resale. Wherever possible, cases are progressed with a view to criminal prosecution of the individuals concerned.

Mr. William Ross: To ask the Chancellor of the Exchequer if he plans to raise the issue of the illegal importation of petroleum products into Northern Ireland at the ECOFIN meeting on 19 May; and if he will make a statement. [42882]

Dawn Primarolo: The Chancellor did not raise the issue of the illegal importation of petroleum products into Northern Ireland at the Ecofin meeting on 19 May.

Both the Government and HM Customs and Excise are aware of the situation with the illegal importation of petroleum products into Northern Ireland for resale and recognise that it is a serious problem which disadvantages legitimate traders. HM Customs and Excise are deploying resources and actively mounting investigations against those involved to counter the threat posed to the revenue and to the Northern Ireland business community.

Mr. William Ross: To ask the Chancellor of the Exchequer what discussions he has had with the Government of the Irish Republic on the illegal importation of petroleum products into Northern Ireland. [42884]

Dawn Primarolo: The illegal importation of petroleum products into Northern Ireland for resale is a problem of which the Government are aware. No offences are taking place within the Republic of Ireland where the fuel is sold legally and purchased duty paid. HM Customs and Excise are deploying resources and actively mounting investigations against those involved to counter the threat posed to the revenue and to the Northern Ireland business community. HM Customs and Excise are taking the lead on this issue but are acting in conjunction with other authorities, including the Royal Ulster Constabulary, to make seizures of oil tankers and vehicles carrying oil tanks filled with illegally imported fuel for resale. Wherever possible, cases are progressed with a view to criminal prosecution of the individuals concerned. Where inquiries have extended to the Republic of Ireland jurisdiction requests have been made by HM Customs and Excise under the Convention for Mutual Assistance between Member States of the EC to the Irish Customs Investigation Branch for discovery of documentation at premises of oils suppliers in the Republic of Ireland to support intended criminal proceedings in Northern Ireland.

Ministerial Meetings

Mr. Timms: To ask the Chancellor of the Exchequer if he will make a statement on the meetings of the IMF Interim Committee and World Bank/IMF Development Committee he attended in Washington in April. [43585]

Mr. Gordon Brown: On 16 April, I attended the IMF's Interim Committee meeting. I also attended the IMF/World Bank Development Committee meeting with the Secretary of State for Development on 17 April.

One of the key issues we discussed was how to strengthen the architecture of the international system in the light of the Asian crisis. In my speech to the Interim Committee, I placed particular emphasis on the importance of greater openness and transparency to long-term economic stability, and I identified six themes.

First, enhancing transparency of data. I noted that we need to tighten up and enforce the IMF's Special Data Dissemination Standards (SDDS).

Secondly, promoting openness in policy making. I welcomed the progress made in agreeing the Code of Good Practice on Fiscal Transparency and recommended that it be supplemented by a manual to provide more guidance on how to construct and present fiscal policies. I also proposed that the IMF should, in consultation with the World Bank and the BIS, prepare a code of Good Practice on Financial and Monetary policy.

Thirdly, greater transparency by the IMF in providing advice on member countries. I proposed that we should do more to encourage countries to publish the outcome of their Article IV's through Press Information Notices (PINs).

Fourthly, exploring ways to improve the IMF's own accountability. I noted that it is essential for the IMF to perform its responsibilities in an open and transparent way that enhances public confidence. I proposed that we should look again at the option of establishing a new full-time evaluation unit which would report on the IMF's performance both to the Fund's shareholders and to the public.

Fifthly, strengthening surveillance of national financial systems. I noted that the IMF's surveillance function should extend beyond its traditional role of looking at macro-economic policy and in particular it should look at the vulnerability of national financial systems. This will involve looking at financial sector regulation, corporate governance and legal issues. The Fund will need to cooperate closely with the World Bank, the Regional Development Banks and the Basle Committee in this area.

Sixthly, enhancing the role of the International Financial Institutions and cooperation between them. I proposed that consideration should be given to the creation of a new joint department of the IMF and World Bank to deal with financial sector issues in all member countries. This Department would need to work closely with other international agencies and groups. Its tasks would be to help the IMF in its regular surveillance, to support the Bank in its analyses of countries' structural policies and to support both the Fund and the Bank in the advice they give to countries on financial sector restructuring.

We also discussed Capital Account Liberalisation. I noted that free capital flows can bring benefits to all countries in terms of increased productivity and growth. However, capital account liberalisation needs to be backed by measures designed to put the appropriate supervisory and regulatory practices in place. It must also be properly sequenced.

I noted that the IMF is the organisation best placed to oversee orderly and sustainable capital account liberalisation and that we should press ahead with the Amendment to the IMF's Articles of Agreement to give it jurisdiction over the capital account.

The discussions in Washington at the Interim and Development Committees on these themes contributed to the G7 report on Strengthening the Architecture of the Global Financial System, which was published at the Birmingham Summit.

Additionally, we discussed at the Interim Committee the need to take action at an international level to promote fairness and relieve poverty. I stressed that we should not allow our discussion of Asia to obscure the important work that is still needed in the poorer countries. I welcomed the Fund's recognition of the need to promote high quality growth that results in a permanent reduction in poverty, greater equality of economic opportunity, and respects the environment. In this context, I welcomed the completion of the external evaluators' review of the Fund's ESAF programme and agreed with the external evaluator's view that IMF programmes cannot be viewed in isolation from the rest of the development process.

There has been some significant and commendable progress with the Mauritius Mandate for the HIPC Debt Initiative which I launched a year ago. I emphasised to the international community the importance of ensuring that progress is maintained so that the Mauritius Mandate targets are met and we have met our objectives by the millennium.

Copies of my speeches and the Communiques of these meetings have been put in the Library of the House.

The issues discussed at the Development Committee meeting were outlined in a Parliamentary Question answered by the Secretary of State for International Development, on 29 April 1998. *Official Report*, column *153*.

Married Couples

Mrs. Ann Winterton: To ask the Chancellor of the Exchequer if he will make a statement on the impact measures contained in his March Budget Statement will have on married couples. [41689]

Dawn Primarolo: Married couples will, on average, see an increase in their disposable income of about £100 a year by October 1999 from the direct tax and benefit changes in the March 1998 Budget.

Child Benefit

Mr. Rendel: To ask the Chancellor of the Exchequer what estimate he has made of the receipts generated by taxing child benefit at the higher rate where *(a)* one parent pays tax at the higher rate and *(b)* both parents pay tax at the higher rate and both pay tax on the child benefit. [42703]

Dawn Primarolo *[holding answer 19 May 1998]:* Information for 1998–99 is given in the table.

£ million

	Yield in a full year
Lone parents or couples with children, receiving Child Benefit, where:	
(a) one parent (but not both) is liable at the higher rate of tax	425
(b) both parents are liable at the higher rate of tax and both pay higher rate tax on the full amount of child benefit	35

Mr. Rendel: To ask the Chancellor of the Exchequer how many households receive child benefit where *(a)* one parent pays tax at the higher rate and *(b)* both parents pay tax at the higher rate. [42702]

Dawn Primarolo *[holding answer 19 May 1998]:* Under the current system in 1998–99, there are estimated to be about 1 million lone parents and couples with children who receive Child Benefit and where only one parent is liable at the higher rate of income tax. There are an estimated 50,000 couples with children who receive Child Benefit and where both parents are liable at the higher rate of income tax.

UK Debt Management Office

Mr. Derek Twigg: To ask the Chancellor of the Exchequer when the UK Debt Management Office will be publishing its business plan for 1998–99. [43583]

Mrs. Liddell: I have today placed copies of the Debt Management Office's (DMO) Corporate Overview and Business Plan in the Libraries of both Houses. Copies are also available from the DMO.

Pensions Mis-selling

Mr. Timms: To ask the Chancellor of the Exchequer what assessment he has made of the progress by pensions firms in providing redress to the victims of mis-selling. [43584]

Mrs. Liddell: The table shows the progress made in the period up to the end of April 1998 by the 41 firms whose results I have been publishing in the public interest. Most of these firms have continued to make good progress.

Last May, the regulators published figures showing by 31 March 1997 only 15 per cent. of cases had been resolved. I am pleased to say that the latest reports suggest

that the largest firms, which together account for almost 85 per cent. of cases, have now dealt with about 74 per cent. of cases.

When I met the Chairmen and senior executives of pensions firms a year ago, I made clear that I would publish information monthly about the progress being made by each firm toward resolving their cases. In my statement in the House on 18 November 1997, *Official Report*, columns 155–57, I said that I would remove from this list the name of any firm which achieved its target for resolving priority cases.

Information provided by firms to PIA indicates that several firms are close to achieving the targets set for them. If subsequent PIA inspections show that these initial indications are correct, then the firms' names will be removed from the list.

However, this does not mean that their work will be over. The regulators will continue to monitor firms, even after their targets have been met, to ensure that they follow through on offers of redress in a timely manner and establish the arrangements necessary to honour guarantees. I am asking the regulators to keep me informed.

Progress by pensions firms in resolving cases of personal pensions mis-selling in the period to the end of April 1998

	A	B	C	D	E	F	G	H
Under 25 per cent. of cases resolved								
DBS	3,945	122	364	196	168	115	3	11
25–50 per cent. of cases resolved								
Burns Anderson	1,132	279	200	114	86	73	6	41
Financial options	362	116	39	20	19	17	5	42
Gan	11,485	1,147	4,999	608	4,391	3,423	30	45
Countrywide	4,821	2,090	266	166	100	76	2	48
50–75 per cent. of cases resolved								
Lincoln National	13,388	1,579	6,435	1,074	5,361	4,105	31	50
Windsor Life	9,503	3,129	2,291	284	2,007	1,634	17	53
Abbey Life	17,426	4,381	6,424	959	5,465	4,491	26	56
IFA Network	316	74	109	77	32	30	9	57
Standard Life	7,006	715	3,804	939	2,865	2,465	35	59
London and Manchester	8,317	1,227	4,291	519	3,772	3,407	41	62
Friends Provident	6,924	1,021	3,642	547	3,095	2,731	39	62
Colonial	8,337	2,423	3,415	391	3,024	2,481	30	64
Hill Samuel	6,069	798	3,501	642	2,859	2,452	40	64
Canada Life	5,555	327	3,822	584	3,238	2,660	48	64
CIS	43,356	3,929	29,336	13,079	16,257	11,013	25	65
Royal & Sun Alliance	15,904	2,744	8,718	1,043	7,675	6,532	41	65
NatWest	14,971	4,369	6,831	1,076	5,755	4,575	31	67
Sun Life of Canada	27,158	8,935	11,130	2,104	9,026	7,499	28	68
Berkeley Independent	163	96	20	16	4	4	2	71
Albany Life	2,931	607	1,879	177	1,702	1,337	46	72
Allied Dunbar	19,037	3,914	11,440	3,318	8,122	6,697	35	73
Sedgwick	15,663	7,917	3,805	1,460	2,345	2,128	14	73
Equitable Life	7,500	1,764	4,068	1,545	2,523	2,243	30	74
Over 75 per cent. of cases resolved								
Britannic	19,424	5,119	11,928	2,875	9,053	6,622	34	75
Guardian	9,076	1,192	6,282	949	5,333	4,779	53	76
M&E Network	311	173	73	25	48	42	14	77
Legal & General	36,679	14,667	17,538	1,662	15,876	12,480	34	79
Lloyd's TSB	49,678	11,774	30,439	6,259	24,180	22,125	45	81
Commercial Union	7,814	1,277	5,433	787	4,646	4,306	55	82
Wesleyan	4,175	265	3,315	962	2,353	2,192	53	82
United Assurance	13,093	1,237	10,846	1,983	8,863	7,707	59	83
Royal London	12,564	1,117	10,479	1,457	9,022	7,975	63	84
Hogg Robinson	2,145	804	1,142	392	750	626	29	85
Pearl	46,551	3,871	39,043	5,647	33,396	30,262	65	85
Prudential	72,118	19,429	52,637	3,866	48,771	39,755	55	87
Barclays	17,007	6,126	9,805	2,219	7,586	6,604	39	88
AXA Equity and Law	3,969	774	2,941	609	2,332	2,174	55	90
Norwich Union	7,423	2,248	4,717	726	3,991	3,719	50	90
Godwins	1,478	113	1,351	456	895	778	53	91
Midland	4,844	534	4,154	489	3,665	3,512	73	94

A: cases identified as requiring review
B: of A, cases where investor was informed that information gained during assessment excluded cases from review
C: number of assessments completed
D: cases where the investor has been informed that no redress is due
E: cases where redress has been offered
F: cases where redress has been accepted
G: cases where redress has been accepted as a percentage of cases identified for review ((F/A)x100)
H: cases completed, including exclusions, as a percentage of cases identified for review (((B+D+F)/A)x100)

HEALTH

Nurses

Helen Jones: To ask the Secretary of State for Health what discussions he has had about retaining the title nurse; and if he will make a statement. [42994]

Mr. Milburn: In August 1997, we commissioned an independent review of the Nurses, Midwives and Health Visitors Act 1979, which is due to report this year. This is one of the issues the review team has raised during their consultation, and we await their recommendations with interest.

Helen Jones: To ask the Secretary of State for Health what plans he has to commission research on the effect of changes in *(a)* staffing levels and *(b)* staffing mix in NHS trusts on nursing standards. [43008]

Mr. Milburn: In 1996 the Department commissioned a programme of research which focused particularly on skill mix with an overall spend of £3 million. This includes research on new roles and new responsibilities in nursing and medicine, and explores the implications of developments within the clinical team, as well as skill mix in primary care, diagnostic imaging centres and hospital teams. Many of these projects are now close to completion.

In addition to this research, there are plans for a major new research programme on human resources. Proposed themes for this research programme include skill mix as one of the five key areas. The tendering process is likely to begin in September and precise details are still under discussion.

Helen Jones: To ask the Secretary of State for Health, pursuant to his answer of 11 May 1998, *Official Report*, column *41*, if he will list those NHS trusts which have not yet designated a named officer responsible for checking registration before applicants take up a post. [43013]

Mr. Milburn: This information is not available centrally. The Department has recently issued guidance on this matter, but it is for employers to ensure that suitable arrangements are in place.

Health Care Assistants

Helen Jones: To ask the Secretary of State for Health what guidance he has given to NHS trusts on the types of work to be carried out by health care assistants and on which of their duties should be supervised by a registered nurse. [43011]

Mr. Milburn: It is the responsibility of employers to determine the duties that staff carry out. The United Kingdom Central Council for Nursing, Midwifery and Health Visiting gives guidance to registered practitioners on their professional responsibilities for supervision.

NHS Research and Development Funds

Helen Jones: To ask the Secretary of State for Health what plans he has to introduce greater accountability into the distribution of NHS research and development funds; and if he will make a statement. [43012]

Ms Jowell: The new system for allocating National Health Service research and development (R&D) funds has introduced greater accountability. R&D support funding for NHS providers is now distributed through a competitive process with bids assessed against published criteria, and successful providers obliged to account regularly to the NHS Executive for the use of these funds. The NHS Executive has in place, and will continue to develop, mechanisms for identifying and prioritising R&D activity which is best funded directly by the Executive itself. The new system will be the subject of evaluation. The Department's Director of Research and Development plans to publish an annual report on Department of Health and NHS R&D later in the year.

Helen Jones: To ask the Secretary of State for Health if he will list, for each NHS region, the proportion of NHS research and development funding spent on primary care research for each of the past five years. [43009]

Ms Jowell: The research and development (R&D) support funding allocated to primary care led providers in each National Health Service region during 1998–99 is set out in the table. This is the first year under the new R&D funding system that allocations have been made directly to primary care practices. In addition to research carried out by primary care providers, other providers within each NHS region spend some of their R&D support funding on primary care research, and the Department and NHS Executive also centrally commission primary care research projects for the benefit of the NHS as a whole. The total such R&D spending was estimated for 1996–97 at £31 million. Information on the total R&D spend on primary care by NHS region is not currently available.

NHS region	*1998–99 primary care led allocations (£)*	*1998–99 total allocation of R&D support funding (£)*	*Percentage of total allocation that is primary care led*
Anglia and Oxford	161,229	18,287,835	0.9
North Thames	848,194	196,391,466	0.4
Northern and Yorkshire	68,584	15,984,781	0.4
South Thames	372,410	50,910,686	0.7
South and West	471,279	15,599,377	3.0
Trent	110,456	20,500,326	0.5
West Midlands	270,149	9,637,214	2.8
North West	0	20,384,272	0.0
Total	2,302,301	349,370,957	0.7

Helen Jones: To ask the Secretary of State for Health what plans he has to ensure that more research and development funding is spent on primary care research; and if he will make a statement. [43010]

Ms Jowell: We gave a commitment in November 1997 to increase spending on primary care research and development (R&D) to around £50 million within five years, and the recommendations of the National Working Group Report on R&D in Primary Care, published at that time, are now being implemented. A Regional Director of Research and Development within the National Health Service Executive has been identified to lead the development of primary care research in the NHS. Primary care practices now have access to R&D funding on the same basis as NHS trusts. Primary care practices and other providers are being actively encouraged to bid

for funding for primary care research, and the NHS Executive is promoting primary care research and developing capacity through new research programmes, the establishment of new national training awards, and through nationally commissioned research programmes.

Correspondence

Mr. Kaufman: To ask the Secretary of State for Health when he will reply to the letters from the right hon. Member for Manchester, Gorton dated 12 February, 18 March and 16 April with regard to Darren Stott of 35 Wisteria Road. [42898]

Mr. Boateng: I replied to my right hon. Friend today following receipt of the original letter on 12 May 1998.

Non-career Civil Servants

Mr. Burns: To ask the Secretary of State for Health how many non-career civil servants have been appointed to his Department since 1 May 1997. [25853]

Ms Jowell: Since 1 May 1997, 137 staff on fixed term contracts have been and are still employed by the Department. In addition, we have employed 123 casuals who are still employed, and 85 casuals who have left. These figures do not include the National Health Service Estates Agency. We have also employed two special advisers.

Hepatitis C

Ms Walley: To ask the Secretary of State for Health what estimate he has made of the number of people with haemophilia in the United Kingdom infected with the hepatitis C virus; and if he will make a statement. [29003]

Ms Jowell: The Department estimates that around 4,000 people with haemophilia were infected with hepatitis C through blood products prior to the introduction of viral inactivation processes in 1985.

The latest figure quoted by the Haemophilia Society shows that they now assess the total number of haemophiliacs infected with hepatitis C at 4,800.

Ministerial Meetings

Mr. Randall: To ask the Secretary of State for Health how many meetings have been requested with his Department's Ministers by *(a)* Labour and *(b)* Conservative hon. Members; and how many meetings have been granted in each category. [31288]

Ms Jowell: All members of the Department's Ministerial team regularly meet hon. Members from all sides of the House. Records of Ministerial engagements are not kept in the format requested and the detailed information requested can be provided only at disproportionate cost.

Faulty Hip Replacements

Mr. Hoyle: To ask the Secretary of State for Health if he will make a statement on how many faulty hip replacements have been identified in the North West in each of the last 10 years. [31029]

Mr. Milburn: The information requested is not held centrally. The successful outcome of a hip replacement operation is likely to be based on an interaction between the surgeon's skill, the artificial joint and the patient's medical condition. Figures showing the number of revision operations carried out in the North West Region between 1991–92 and 1995–96 are shown in the table, but because we do not know when the original hip was implanted, the figures are not an indication of early failure.

Year	*Revision operations*
1991–92	507
1992–93	515
1993–94	513
1994–95	505
1995–96	529

Source:
Hospital Episode Statistics
Revision Operation Codes
37.0, 38.0, 39.0, 46.0, 47.0, 48.0
37.2, 38.2, 39.2, 46.2, 47.2, 48.2
37.3, 38.3, 39.3, 46.3, 47.3, 48.3

Mr. Flynn: To ask the Secretary of State for Health what plans he has to establish a national register of patients who have received hip and other joint replacements implants; and if he will make a statement. [31375]

Mr. Milburn: We are considering various options for monitoring orthopaedic implants and systems for controlling the introduction of new implants. A national register is one option under consideration.

Contraception Devices

Mr. Llwyd: To ask the Secretary of State for Health what guidelines his Department has issued to ensure that contraception devices have clear information on their use and rate of success. [32434]

Ms Jowell: Contraceptive devices which fall under the remit of the Medicines Control Agency are subject to European Directive 92/27/EEC. This Directive details medicine labelling and patient information leaflet regulations. Mention of efficacy levels in these patient information leaflets or licensed product information is considered promotional material and not permitted.

It is not generally appropriate for the Government to guide industry on how to communicate about its products. We would, however, expect manufacturers to follow the general principles of ensuring communication is clear, comprehensive and explicit to ensure potential users can make appropriate choices.

Diabetes

Mr. Sanders: To ask the Secretary of State for Health (1) if he will list by region the number of NHS bed days taken up by patients with diabetic foot complications in each of the last three years for which figures are available; [41139]

(2) if he will list by region the number of *(a)* major and *(b)* below the knee amputations carried out in the NHS as a consequence of diabetes in each of the last three years for which figures are available; [41135]

(3) if he will list by region the number of acute medical admissions as a result of diabetic foot complications in each of the last three years for which figures are available; [41138]

(4) what progress his Department has made in meeting the 1989 St. Vincent's Declaration target in respect of half-limb amputations due to diabetic gangrene; [41137]

(5) if he will list by region the number of NHS specialist diabetic foot clinics; [41136]

(6) if he will list by region the number of recorded diabetic foot ulcers treated by the NHS in each of the last three years for which figures are available. [41140]

Mr. Milburn: We are committed to improving health services for people with diabetes. The 1995 report of the St. Vincent Joint Task Force for Diabetes made recommendations about good clinical and management practice in eleven key areas. The Department issued service guidance to the National Health Service in November 1997 on "Key features of a good diabetes service" (Health Service Guidelines HSG(97)45). We have also commissioned clinical guidelines and other clinical effectiveness materials for diabetes, which we expect to be completed by the end of 1999. These will cover prevention and treatment of diabetic foot complications.

The Department welcomes the recent launch of the "Focus on Feet" campaign by the British Diabetic Association, the Royal College of Nursing and the Society of Chiropodists and Podiatrists. We hope that it will be successful in raising awareness of the importance of preventative foot care for people with diabetes.

Information is not collected centrally on the number of NHS specialist diabetic foot clinics. The available information on NHS in-patient treatment has been placed in the Library. It is based on episodes of individual treatment by consultants.

Asthma

Mr. Nigel Jones: To ask the Secretary of State for Health if he will list for each local authority the total cost and the cost per head of treating asthma and other breathing-related illnesses for each year since 1992. [41946]

Mr. Boateng: I refer the hon. Member to the reply to the right hon. Member for East Devon (Sir Peter Emery) on 22 July 1997, *Official Report*, column *569*. This gave the available information on the costs of drugs dispensed for the treatment of asthma in England by family health services authority for the years 1993 to 1995 and by health authority for 1996 (the most recent year for which data are available). Some of the drugs in question may be used for the treatment of other conditions.

Information on the other costs to the National Health Service is not available centrally for individual conditions. However, a discussion document "Burdens of Disease" was issued in October 1996 which illustrated one approach to estimating the burdens of particular diseases on the NHS. This suggested that in 1992–93 the total of other, non-prescribing costs of the NHS services for treating asthma was of the order of £150 million.

Arachnoiditis

Mr. Cohen: To ask the Secretary of State for Health what assessment his Department has made of the risk of myelography causing arachnoiditis; and if he will make a statement. [42391]

Ms Jowell: Any injury to the arachnoid membrane carries a risk of arachnoiditis. However, all medicinal products, such as the contrast agents used in myelography, are subject to stringent assessment of safety, quality and efficacy prior to being licensed. They are closely monitored by the Medicines Control Agency after licensing to detect any previously unrecognised adverse effects or any change in the balance of risks and benefits.

National Blood Authority

Mrs. Mahon: To ask the Secretary of State for Health if he will take steps to ensure that the present terms and conditions of staff employed by the National Blood Authority remain in place. [42678]

Mr. Boateng: The terms and conditions of National Blood Authority (NBA) staff are a matter for negotiation between the NBA, their staff and their staff representatives. The new chairman of the NBA, Mr. Fogden, will ensure that negotiations are taken forward with staff and their representatives.

NHS Premises (Safety)

Laura Moffatt: To ask the Secretary of State for Health what steps are taken to ensure that National Health Service trusts have adequate arrangements for recording accidents on National Health Service premises; what encouragement is given to staff to report accidents; and what steps the National Health Service Executive takes to monitor the safety performance of National Health Service trusts. [42461]

Mr. Milburn: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 require certain types of accidents to be reported to the Health and Safety Executive. The National Health Service Executive has issued guidance emphasising the importance of effective accident and incident reporting systems for NHS employers, and outlining the characteristics of a good incident reporting system. Ensuring staff are encouraged to report incidents is a matter for NHS trusts. The safety performance of NHS trusts is the responsibility of NHS trust chief executives and their boards.

Laura Moffatt: To ask the Secretary of State for Health if he will list his duties in respect of ensuring the safety of *(a)* staff employed in the National Health Service, and *(b)* patients and visitors to National Health Service premises. [42464]

Mr. Milburn: We place a very high priority on the safety of National Health Service staff and of patients and visitors to NHS premises. The Management of Health and Safety at Work Regulations 1992 place duties on all employers to assess systematically all workplace risks, and to take all reasonably practicable action to minimise those risks. Chief executives and their boards are statutorily responsible for ensuring the safety of staff, patients and visitors.

The NHS Security Manual gives advice to all trusts on the use of security measures and the NHS Executive continues to support this guidance by regularly publishing best practice on specific aspects of security.

Laura Moffatt: To ask the Secretary of State for Health if National Health Service trusts are required to include reports on their health and safety record in their annual reports. [42463]

Mr. Milburn: The National Health Service Trust Manual for Accounts recommends that trusts should include information on health and safety performance and occupational health in their annual reports. Guidance to trusts on health and safety also commends the inclusion of information on health and safety performance in their annual reports.

NHS Staff

Laura Moffatt: To ask the Secretary of State for Health how many working days were lost through sickness, ill health or injury by National Health Service staff in the last year for which figures are available; and at what estimated total cost. [42459]

Mr. Milburn: The numbers of working days lost through sickness, ill health or injury in the National Health Service are not currently collected centrally.

Occupational Health

Laura Moffatt: To ask the Secretary of State for Health how many and what percentage of National Health Service staff in each region have access to an occupational health service. [42462]

Mr. Milburn: The information requested is not collected centrally. National Health Service trusts and health authorities are responsible for ensuring that their staff have access to an occupational health service.

EU Health Council

Mr. Matthew Taylor: To ask the Secretary of State for Health how many environmental appraisals were produced by the European Commission to accompany proposals presented to the EU Health Council on 1 May. [42668]

Ms Jowell: None. These are not normally required for proposals for action in the field of public health.

Health Improvement Programmes

Mr. Simon Hughes: To ask the Secretary of State for Health if health authorities will be obliged to consult voluntary sector service providers as partner agencies in the formation of health improvement programmes; and if he will make a statement. [42892]

Mr. Milburn: We shall expect health authorities to involve the full range of local partner organisations, including voluntary sector organisations, in the development of health improvement programmes.

Coeliac Disease

Mr. Paul Marsden: To ask the Secretary of State for Health if he will introduce legislation to improve food labelling to assist sufferers of coeliac disease in identifying which processed foods are gluten free. [29921]

Mr. Rooker: I have been asked to reply.

Yes. The Food Labelling Regulations 1996 will be amended on 1 July this year to require ingredients of foods identified as "starch" and "modified starch" to indicate their specific vegetable origin where they may contain gluten.

We are also promoting agreement at international level on food labelling rules which will identify gluten containing ingredients whenever they are used in processed foodstuffs.

Blood Products

Mr. Maples: To ask the Secretary of State for Health how many deaths have occurred in each of the last five years as a result of blood transfusions and faulty blood products; and if he will list the causes of death. [42864]

Mrs. Liddell *[holding answer 19 May 1998]:* I have been asked to reply.

The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to arrange for a reply to be given.

Letter from John Fox to Mr. John Maples, dated 20 May 1998:

In the absence of the Director of the Office for National Statistics (ONS), I have been asked to reply to your recent question on deaths which have occurred as a result of blood transfusions and faulty blood products.

The table below shows the numbers of deaths registered in England and Wales with either *(a)* an underlying cause of blood transfusion or contaminated blood products or *(b)* where blood transfusion or contaminated blood products were mentioned on the death certificate as contributing to the death.

	Blood transfusion		*Contaminated blood products*	
	Underlying cause	*Other mentions*	*Underlying cause*	*Other mentions*
1993	0	0	1	2
1994	3	1	3	4
1995	1	1	1	3
1996	2	13	0	1
1997	2	6	1	8

Note:
The figures for 1993–96 are the deaths that *occurred* in these years, whereas the figures for 1997 are the deaths *registered* in 1997

Water Fluoridation

Mr. Butterfill: To ask the Secretary of State for Health if he will publish and place in the Library the detailed statistical basis for the statement by the Minister for Public Health on 6 May 1998, *Official Report*, column 700, that more than two-thirds of the public support the fluoridation of water; and if he will publish the particulars of all the areas where consultation has taken place, the identity of the sponsors of the consultation, details of the questions asked, including information as to whether there was any public education of those interviewed, details of the representations received and precise information as to sample sizes. [41982]

Ms Jowell *[holding answer 18 May 1998]:* Since 1980, 5 nationwide opinion polls have been undertaken which included the question "Do you think fluoride should be added to water if it can reduce tooth decay?"

The results are shown in the table.

Percentages

Year	*Research organisation*	*Yes*	*No*	*Don't know*
1980	NOP	66	16	18
1985	Gallup	71	17	11
1987	Gallup	76	15	9
1992	NOP	79	15	6
1997	NOP	69	18	13

As is the usual practice, the respondents to the surveys were selected according to a systematic probability sample designed to be representative of all adults in Great Britain.

Millennium Compliance

Mr. Burns: To ask the Secretary of State for Health if he will make a statement on the progress being made towards equipment in the *(a)* Mid-Essex Hospital Trust, *(b)* Mid-Essex Community and Mental Health Trust and *(c)* Essex Health Authority areas being millennium compliant; and when he expects the work to be completed. [42895]

Mr. Milburn: All health authorities and National Health Service trusts are working in line with national policy and guidelines set out in Executive Letters EL(96)80 and EL(97)59 and their accompanying guidelines Health Service Guidelines (97)40, and Health Service Circular 1998/091 to address the Year 2000 problem. Copies of the guidelines are available in the Library.

HSC 1998/091 is the latest guidance and states that all chief executives of health authorities and NHS trusts should submit new interim returns to the NHS Executive's Regional Offices on 30 June and 30 September 1998, and quarterly reports throughout 1999; ensure that by 31 December 1998 they have identified and resourced effective solutions for all Year 2000 problems that would otherwise compromise the safety of patients and staff, and the continuity of services; and to ensure that by 30 September 1999 all parts of the NHS are fully prepared with compliant equipment or effective contingency plans in place.

Such information as is available on specific trusts will be placed in the Library shortly. I shall arrange for a copy to be sent to the hon. Member.

Hip Replacements

Mr. Flynn: To ask the Secretary of State for Health what plans he has to seek reimbursement from manufacturers for those hip replacement prostheses which have been subject to early failures. [31378]

Mr. Milburn: The question of whether to seek reimbursement would depend on the particular circumstances. In respect of the early loosening associated with the Capital Hip implant, the manufacturer, 3M Health Care, has agreed to bear the full costs of identifying, assessing and treating individual patients.

Mr. Flynn: To ask the Secretary of State for Health (1) what research he has *(a)* commissioned and *(b)* evaluated into the relationship between the reliability of hip replacement prostheses and their purchase prices; [31374]

(2) what assessment he has made of the reliability record of currently available hip replacement prostheses; and what plans he has to issue guidance to the general public on this issue. [31377]

Mr. Milburn: Copies of an Effective Health Care Bulletin on total hip replacement are available in the Library. This review found that some of the cheaper established implants had the lowest long-term failure rates over 10–20 years follow-up.

Two further systematic reviews have been commissioned through our health technology assessment programme: one to review the effectiveness and cost-effectiveness of total hip replacement prostheses, and the other to review the factors influencing outcomes and costs of hip replacement surgery. Reports are expected later this year.

Interstitial Cystitis

Miss Begg: To ask the Secretary of State for Health what plans he has to raise awareness amongst health professionals of interstitial cystitis, with particular reference to problems in diagnosis. [28113]

Ms Jowell: This is a matter for the professions; we have no current plans to do so. Interstitial cystitis is a rare chronic inflammatory disease of the bladder affecting mainly women. Diagnosis is often difficult and little is known about its cause or the most effective treatment. There are already a number of reviews and articles on the subject which have been published in the professional journals.

EDUCATION AND EMPLOYMENT

Consultation Papers

Mr. Gordon Prentice: To ask the Secretary of State for Education and Employment if he will list the consultation papers published since 1 May 1997 giving the date of publication, closing date for submissions and the number of respondents. [42250]

Dr. Howells: I have placed in the Library a table showing the consultation papers produced by the Department of Education and Employment since 1 May 1997.

Key State Results

Mr. Dorrell: To ask the Secretary of State for Education and Employment how many schools did not submit *(a)* papers and *(b)* results for (i) the key stage 2 tests and (ii) the key stage 3 tests in 1997. [40940]

Ms Estelle Morris *[holding answer 7 May 1998]:* Twenty-three maintained mainstream schools did not submit 1997 key stage 2 national curriculum assessment results, and two maintained mainstream schools did not submit 1997 key stage 3 national curriculum assessment results. It is not possible to determine the number of

special schools which did not submit results, as it is impossible to differentiate between those schools whose pupils were all disapplied from the national curriculum assessments, and therefore had no results to return, and those schools which chose not to return results. Participation by independent schools in the national curriculum assessment test is voluntary, so they have not been included in this analysis. It is not possible to differentiate between results and papers.

Braille Certificates

Mr. Blizzard: To ask the Secretary of State for Education and Employment if he will require examination boards to produce certificates in Braille for blind candidates. [42056]

Dr. Howells: The Department has no powers to require awarding bodies to produce certificates in Braille at present. However, I would expect awarding bodies to consider sympathetically requests for such certificates from blind candidates.

Special Education Provision

Mr. Harvey: To ask the Secretary of State for Education and Employment if he will list the Teacher Training Agency-funded higher education providers that deal with special education needs in the south west; and if he will make a statement. [42173]

Ms Estelle Morris: The Teacher Training Agency does not hold information about the higher education institutions that currently deal with special educational needs in the south west. The following are the providers in the south-west which submitted bids to the Teacher Training Agency for in-service training provision which included elements of provision relating to SEN and who will receive funding for 1998–99:

The University of Bath;

Bath College of Higher Education;

Cheltenham and Gloucester College of Higher Education;

University College of St. Mark and St. John;

The University of Plymouth;

The University of the West of England.

I understand that the Teacher Training Agency reached its decisions on the allocation of the relevant funding on the basis of competitive bids from providers to deliver in-service training for teachers judged according to their quality in meeting identified national priorities. The Agency has issued contracts for the academic year 1998–99. It will be considering shortly the basis of the interim bidding rounds in respect of 1999–2000 and 2000–01.

Autism

Mr. Willis: To ask the Secretary of State for Education and Employment what estimate he has made of the number of schoolchildren with autism in each year since 1992. [42798]

Ms Estelle Morris: It is for local education authorities to identify children with special educational needs and plan provision to meet expected demand. The national figures which the Department collects on the number of children with SEN are not disaggregated by type of special need. The National Autistic Society has estimated that 5,200 school aged children have Kanner's or classic autism; other children will have autistic spectrum disorders, often in association with other types of SEN.

Mr. Willis: To ask the Secretary of State for Education and Employment (1) what assessment he has made of the Lovaas intensive behaviour therapy; [42793]

(2) what research his Department has commissioned into the (i) causes of autism, (ii) the treatment methods offered by local education authorities and (iii) the effectiveness of different treatments. [42795]

Ms Estelle Morris: The Department has commissioned a review of the research findings on educational programmes for children with autism. A report will be published in the near future. It will cover research into the Lovaas programme. The report will inform the design of research the Local Government Association is commissioning, following discussion with DfEE, into the comparative outcomes from a number of these educational interventions.

Higher Education (Rural Areas)

Mr. Todd: To ask the Secretary of State for Education and Employment what steps he is taking to improve the availability of higher and further education to residents in rural areas. [42581]

Dr. Howells: Our proposals for encouraging lifelong learning for people throughout the UK, including rural communities, are set out in the consultation paper "The Learning Age". Higher education is available in England from over 100 higher education institutions, including the Open University, and from many further education colleges. The Further Education Funding Council has a duty to secure the provision of adequate and sufficient facilities for further education.

Higher Education Students

Mr. Ainger: To ask the Secretary of State for Education and Employment what the maximum grant and loan available to higher education students in 1998–99 will be; what the maximum loan available in future years will be; and if he will make a statement. [42374]

Dr. Howells: Students living away from home and studying outside London will normally be entitled to a maximum of £3,545 by way of grant and loan in 1998–99. New entrants to higher education in 1998–99 will be eligible for £810 grant and £2,735 loan. This reflects the transitional arrangements for student support that have been put in place for 1998–99 in preparation for the new student support system, based on 100 per cent. income-contingent loans, being introduced for 1999–2000 and beyond.

Students who are already receiving mandatory awards in 1997–98, together with those new entrants who are exceptionally being treated as continuing students in 1998–99, will be eligible for £1,810 grant and £1,735 loan. The amount of grant available can be enhanced by certain additional allowances, such as the disabled students allowance or the dependants allowance. The rates for 1998–99 were announced in December, and a memorandum giving full details of these rate was placed in the Library.

The maximum loan rates for 1999–2000 will be announced later in the year, in line with normal practice.

Mr. Ainger: To ask the Secretary of State for Education and Employment how many *(a)* mature and *(b)* regular students took up higher education places in (i) 1996 and (ii) 1997; and how many in each case are predicted to do so in 1998, in (1) England, (2) Wales and (3) the UK. [42417]

Dr. Howells: The information for 1996 and 1997 is given in the table:

Home entrants (thousands) to HE courses in higher education institutions

	1996–97		1997–98[1]	
Country of study	*Young*	*Mature*	*Young*	*Mature*
England	222.1	290.5	234.1	293.1
Wales	17.7	18.5	17.6	16.8
UK	276.2	339.1	290.1	342.9

[1] Provisional.

Mature students are defined as postgraduates aged 25 and over, and undergraduates aged 21 and over. The figures include both full-time and part-time students. Figures do not include those entering to study for a higher education qualification in further education colleges.

The Department does not publish forecasts of entrants by age or by country of study.

Mr. Brady: To ask the Secretary of State for Education and Employment what percentage change has taken place in the numbers of *(a)* mature students applying for courses of higher education and *(b)* lone parents applying for courses of higher education as mature students in each of the last three years. [42403]

Dr. Howells: The available data are given in the table.

Mature[1] home applicants to full-time and sandwich undergraduate courses in the UK applying via UCAS

	Year of entry:		
	1995	*1996*	*1997*
Numbers	97,643	90,687	97,401
Percentage change compared to previous year	+2.9	−7.1	+7.4

[1] Defined as applicants aged 21 or over

The latest figures from UCAS on applicants for autumn 1998 entry show that, as at 20 March, the numbers of mature applicants are down by 14 per cent. compared with the previous year, though this indicates a recovery from the position earlier in the cycle. This fall in part reflects trends in demographics and the numbers of potential entrants with the relevant entry qualifications. However, these figures are not a particularly good guide to final numbers for mature applicants as mature students tend typically to apply later in the applications cycle. Moreover, the UCAS figures do not cover applicants to part-time or postgraduate courses. Information on the numbers of lone parents who applied as mature students is not held centrally.

Jobseeker's Allowance

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment (1) how many claims have been *(a)* terminated in each year since the implementation of the jobseeker's allowance because of a breach of the jobseeker's agreement and *(b)* subsequently reinstated following their referral to an adjudication officer; [42386]

(2) what was the average time between termination of a jobseeker's allowance claim because of a breach of the Jobseeker's Agreement and reinstatement following referral to an adjudicator in each year since the implementation of the jobseeker's allowance. [42387]

Mr. Alan Howarth: Failure to comply with the terms set out in the jobseeker's agreement does not, in itself, result in the loss or termination of jobseeker's allowance. It may, however, give rise to a doubt as to whether the jobseeker is available for, and actively seeking, employment. If this is the case, then it is those questions that will be referred for adjudication.

The Employment Service's quarterly analysis of adjudication officers' decisions is available in the Library.

Employment Service (Toilets)

Dr. Iddon: To ask the Secretary of State for Education and Employment for what reasons it is the official policy of the Employment Service not to provide public toilets in its buildings. [42768]

Mr. Alan Howarth: Responsibility for the subject of the question has been delegated to the Employment Service agency under its chief executive. I have asked him to arrange for a reply to be given.

Letter from Leigh Lewis to Dr. Brian Iddon, dated 21 May 1998:

The Secretary of State for Education and Employment has asked me to reply to your question regarding the reasons why the Employment Service does not provide public toilets in its buildings. This is something which falls within the responsibilities delegated to me as Chief Executive of the Employment Service.

Historically, the Employment Service has not provided public toilets in its buildings largely because of the high cost of provision and maintenance which would be needed in our 1,000 plus Jobcentres. The majority of Jobcentres are in fact located in town centres where public toilet provision is available. I would also expect staff to by sympathetic to anyone with an urgent need to use a toilet, especially children, if they were made aware of the difficulty and public toilets were not to hand.

In addition, in response to the requirements of the Disability Discrimination Act, we are installing toilet facilities for disabled clients on a rolling basis, where it is feasible to do so. More generally, with the introduction of the New Deal programmes including the impending extension of the New Deal programme for Lone Parents later this year, we are reviewing our current policy on the provision of public toilets. The recommendations arising from the review should be available within the next month.

I hope this is helpful.

Euro

Mr. Denzil Davies: To ask the Secretary of State for Education and Employment what steps he is taking to monitor the content of teaching and information materials about the euro currency funded by the European Commission supplied to schools in England and to ensure its compliance with the terms of the Education Act 1996. [42679]

Ms Estelle Morris: We cannot, and would not wish to, prevent information from being used in schools in a spirit of healthy debate. Under section 407 of the Education Act 1996, however, schools must present political issues to

pupils in a balanced way. Any complaint of political bias should be made to the school's governing body in the first instance. We can also consider such a complaint, once the local procedure has been exhausted and if the complainant remains dissatisfied.

Public Bodies

Jackie Ballard: To ask the Secretary of State for Education and Employment (1) what is the average salary of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department; [42838]

(2) what is the average attendance fee of *(a)* male and *(b)* female members of boards of non-departmental public bodies responsible to his Department. [42839]

Dr. Howells: The majority of board members of non-governmental public bodies give their time and services voluntarily, and receive no payment other than normal travel and subsistence expenses. Where members do receive remuneration, this can vary between an annual salary, an honorarium or an attendance fee (which itself can be a daily rate or a half-daily rate, or calculated on a per meeting or per case basis). Individuals' remuneration therefore is not directly comparable.

Full details of all payments to board members of non-departmental bodies, by gender, are given in the Cabinet Office publication "Public Bodies". Copies of "Public Bodies 1997" are available in the Library.

Public Appointments

Jackie Ballard: To ask the Secretary of State for Education and Employment when his Department's action plan for increasing the number of women holding public appointments will be published; and if he will place a copy in the Library. [42840]

Dr. Howells: The Department's action plan will be published shortly. Copies will be placed in the Library.

Class Sizes

Mr. Burstow: To ask the Secretary of State for Education and Employment what assessment he has made of the impact of compliance with the Government's target for reducing class sizes to 30 or fewer on the extra funding attracted by class sizes of 30-plus in circumstances where it is used to support specialist staff; and how schools will be compensated for the loss of this funding. [43099]

Mr. Byers: The Government will provide the funding required for schools to implement our pledge to reduce infant class sizes to 30 or below. We intend to bring forward the date of implementation to September 2001 at the latest. We have already allocated £22 million in revenue funding for 1998–99 and are now considering applications for the allocation of a further £40 million for capital work.

New Deal (Disabled People)

Mr. Burstow: To ask the Secretary of State for Education and Employment what will be the minimum population size eligible for a bid for funding under the new deal for disabled people. [43098]

Mr. Alan Howarth: There is no minimum population size required for a bid for funding under the new deal for disabled people programme.

The personal adviser service of the programme will be piloted in 12 areas linked to Benefits Agency districts. In those six areas which are open to competitive tender, the client groups range in size from 11,380 to 22,780.

Innovative schemes are being developed within this new deal programme to learn more about the most effective approaches for helping disabled people into work. In order to draw valid conclusions about them, we will need about 100 participants in each scheme, although we will consider bids for projects with a minimum of 50 participants.

Beacon Schools

Mr. Hoyle: To ask the Secretary of State for Education and Employment how many schools have been awarded beacon status; what representations he has received on the decision to award schools beacon status; and by what means his Department will inform hon. Members of proposals to award beacon status to schools in their constituencies. [43103]

Mr. Byers: There are no beacon schools at present. I have invited those 177 schools recently identified by HMCI as "best performing" to consider beacon school status and to respond by 1 June. A number of other schools have also expressed interest in becoming beacon schools. A list of schools awarded beacon status will be published before the end of the summer term.

Pre-schools

Mr. Nicholas Winterton: To ask the Secretary of State for Education and Employment what steps his Department is taking to ensure that pre-schools are not disadvantaged by changes to LEA admission procedures for four-year-olds. [42115]

Ms Estelle Morris: We expect proposals to change admission policies for maintained schools in respect of 3 and 4-year-olds to be discussed in the newly established early years development partnerships which include the private and voluntary sectors as partners in the planning and delivery of good-quality early education. We will consider whether any other measures are necessary to sustain co-operation, collaboration and partnership between sectors.

Mr. Nicholas Winterton: To ask the Secretary of State for Education and Employment what measures his Department is taking to reduce the amount of administrative work having to be undertaken by pre-schools. [42116]

Ms Estelle Morris: Through abolition of the nursery education voucher scheme, we have substantially reduced the administrative work of pre-schools and other providers.

Teachers (In-service Training)

Mr. Harvey: To ask the Secretary of State for Education and Employment what is his policy regarding training of in-service teachers. [42172]

Ms Estelle Morris: The Government are clear that their targets and agenda for raising standards can be achieved only if there is a substantial programme of re-skilling and updating the knowledge and techniques available to serving teachers.

For this reason, we are investing heavily in in-service teacher training. The Government are supporting £505 million for 1998–99 through the standards fund, at least a third of which is available for teacher training. Most of this is ring-fenced for specific priorities including the training for raising standards in literacy and numeracy and training for head teachers.

The Teacher Training Agency also provides approximately £21 million annually to providers of INSET. For the first time this year, this funding was allocated on the basis of competitive bids from providers to deliver in-service training for teachers. The bids were judged according to their capacity to meet identified national priorities.

Additionally we are investing £230 million from the national lottery between 1999 and 2002 in information and communications technology teacher training. We expect these resources to come on stream from spring 1999.

Higher Education Provision

Mr. Harvey: To ask the Secretary of State for Education and Employment how many Teacher Training Agency-funded higher education providers there are in each Government office region; and how many will remain in each Government office region following decisions to re-direct in-service funding from some higher education providers. [42134]

Ms Estelle Morris: The table shows the number of HE providers currently in receipt of TTA INSET funding in each Government Office region.

Government Office region	*Numbers of HE providers with TTA INSET funds 1997–98*
South West	7
South East	11
London	10
West Midlands	8
Eastern	6
East Midlands	8
North West	4
Merseyside	3
Yorkshire and Humberside	12
North East	5
Other (the Open University)	1

The number which will be in receipt of TTA funds in three years' time, at the end of the current allocations cycle, cannot be estimated because there will be interim bidding rounds relating to 1999–2000 and 2000–01.

Higher Education (South-west)

Mr. Harvey: To ask the Secretary of State for Education and Employment if he will list the locations of the Teacher Training Agency-funded higher education providers in the south-west region. [42171]

Ms Estelle Morris: The providers in 1997–98 are as follows:

The University of Bath, Bath;

Bath College of Higher Education, Bath;

The University of Bristol, Bristol;

Cheltenham and Gloucester College of Higher Education, Cheltenham;

University College of St. Mark and St. John, Plymouth;

The University of Plymouth, Plymouth;

The University of the West of England, Bristol.

FOREIGN AND COMMONWEALTH AFFAIRS

Police and Military Forces (Support)

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the support currently provided by his Department for *(a)* police and *(b)* military forces, broken down by country. [40613]

Mr. Tony Lloyd: FCO support for the police and the military in FY 1997/98 under the United Kingdom Military Training Assistance Scheme (UKMTAS) and through other programme budgets is as listed. The list shows support for personnel of other countries attending training courses in the UK and countries to which UK training teams or loan service personnel were deployed.

For 1998/99, the UKMTAS programme has been replaced by Assistance to Support Stability with In-Service Training (ASSIST), on which I refer the hon. Member to the written answer I gave to my hon. Friend Member for Chorley (Mr. Hoyle) on 26 March 1998, *Official Report*, columns *235–36*.

1997/98 FCO spending in support of the police

Country	*£*
Albania	750,000
Anguilla	2,245
Antigua	8,614
Bahamas	2,617
Bangladesh	6,483
Barbados	18,016
Belize	12,161
Bosnia	9,627
Botswana	41,457
British Virgin Islands	1,604
Bulgaria	9,589
Chile	43,555
China	13,379
Colombia	42,240
Costa Rica	14,448
Croatia	91
Cyprus	37,449
Czech Republic	3,950
Estonia	400
Fiji	26,181
Ghana	4,953
Gibraltar	86,451
Grenada	7,386
Guyana	121
Hungary	1,319
India	21,948
Jamaica	10,860
Kenya	1,604
Lebanon	25,644
Lesotho	14,445
Malaysia	7,717
Malta	11,196

1997/98 FCO spending in support of the police

Country	£
Mauritius	15,536
Mongolia	715
Montserrat	2,180
Morocco	23,120
Mozambique	502
Namibia	1,604
Pakistan	2,949
Papua New Guinea	28,089
Paraguay	27,267
Peru	4,255
Philippines	43,258
Poland	7,860
St. Kitts	1,604
St. Vincent	1,604
Seychelles	8,774
Sierra Leone	3,426
Singapore	6,698
Solomon Islands	17,851
South Africa	25,209
Sri Lanka	11,251
Tanzania	6,870
Trinidad	18,449
Turks and Caicos Islands	8,212
Uganda	22,461
Uruguay	16,170
Vanuatu	14,236
Zambia	14,153
Zimbabwe	7,902

1997/98: FCO spending in support of the military

Country	£
Angola	207,650
Antigua	34,409
Argentina	18,344
Bahamas	52,528
Bangladesh	268,090
Barbados + BMATT E. Caribbean[1]	1,145,316
Belarus	26,170
Belize + BELDA[2]	665,365
Botswana	176,174
Brazil	36,438
British Virgin Islands	236,122
Bulgaria	89,541
Chile	41,365
China	52,353
Colombia	719,814
Costa Rica	1,276
Croatia	2,351
Czech Republic	222,961
Ecuador	5,188
Egypt	56,186
El Salvador	1,324
Estonia	16,232
Ethiopia	115,488
Fiji	107,104
Ghana	1,100,497
Georgia	61,741
Grenada	28,681
Guatemala	97,200
Guyana	96,647
Honduras	734
Hungary	341,016
India	306,416
Indonesia	225,612
Ireland	180,907
Israel	1,302
Jamaica	218,757
Jordan	329,425
Kazakhstan	904
Kenya	157,108

1997/98: FCO spending in support of the military

Country	£
Latvia	86,954
Lebanon	30,880
Lesotho	31,998
Lithuania	63,259
Macedonia	34,894
Malawi	186,011
Malaysia	373,796
Malta	80,032
Mauritius	212,339
Moldova	21,259
Montserrat	567
Morocco	84,211
Mozambique	93,410
Namibia	216,182
Nepal	98,364
Pakistan	826,730
Papua New Guinea	49,432
Paraguay	37,309
Philippines	74,075
Poland	336,323
Romania	149,335
Russia	33,544
Senegal	14,661
Seychelles	47,990
Sierra Leone	114,523
Singapore	47,140
Slovakia	147,374
Slovenia	110,175
South Africa	1,369,126
Sri Lanka	90,216
St. Lucia	7,839
St. Vincent	2,725
Tanzania	118,592
Thailand	268,249
Trinidad and Tobago	117,331
Turks and Caicos Islands	279,963
Uganda	2,462
Ukraine	358,814
Uruguay	33,571
Yemen	18,331
Zambia	25,736
Zimbabwe inc. MBATT	2,235,784

[1] BMATT = British Military Assistance and Training Team
[2] BELDA = Belize Defence Assistance

1997/98: Contributions to international organisations

	£
UN International Police Task Force (Bosnia)	2,200,000
UN Trust Fund for the Police Assistance Programme in Bosnia and Herzegovina	2,000,000
EU Caribbean Drugs Initiative	430,000
South Pacific Police Adviser's Budget	51,710

Sierra Leone

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) when Lord Avebury's letter reporting allegations that arms had been flown from Bulgaria was *(a)* received at the Foreign and Commonwealth Office, *(b)* seen by officials in the Private Office of the Minister of State, the hon. Member for Manchester, Central (Mr. Lloyd), *(c)* seen by officials in the private office of the Secretary of State, *(d)* seen by the Minister of State, the hon. Member for Manchester, Central and *(e)* seen by the Secretary of State; [41723]

(2) when Lord Avebury's letter reporting allegations that arms had been flown in from Bulgaria was drawn to the attention of the Foreign Office's legal advisers; and who recommended this course of action; [41728]

(3) pursuant to his oral answer of 6 May 1998, *Official Report*, column 722, on arms sales to Sierra Leone, what the Minister of State, the hon. Member for Manchester, Central (Mr. Lloyd), was told on 1 May that he had not been told in mid-April relating to Sandline's involvement in Sierra Leone; [41759]

(4) if he will publish details of the information received from Britain's High Commissioner to Sierra Leone relating to Sandline, indicating *(a)* the dates when information was received and *(b)* if the information was seen by (i) the Minister of State, the hon. Member for Manchester, Central (Mr. Lloyd), and (ii) the Secretary of State; [41730]

Mr. Robin Cook: I refer the right hon. and learned Member to my statement in the House during the debate on 18 May 1998, *Official Report*, columns 604–11, in which I announced the investigation by Sir Thomas Legg KCB QC into allegations about Government involvement with the supply of arms to Sierra Leone by UK citizens and firms, and said that the Terms of Reference would be placed in the Library of the House. I intend to publish the report of the investigation.

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to the oral statement of the Minister of State, the hon. Member for Manchester, Central (Mr. Lloyd), of 12 March 1998, *Official Report*, column 841, on the tribute paid by President Kabbah to the role of the British Government, if he will list the acts of support and assistance to which he understood President Kabbah to be referring. [41760]

Mr. Robin Cook *[holding answer 12 May 1998]:* I refer to the statement by my hon. Friend the Minister of State, during the debate on 12 March 1998, *Official Report*, column 840, and the statement I made during the debate on 18 May 1998, *Official Report*, columns 604–11.

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs on what dates in 1998 *(a)* the issue of Sandline's involvement in Sierra Leone was discussed by ministers and *(b)* officials raised that issue with ministers. [41725]

Mr. Robin Cook *[holding answer 12 May 1998]:* I refer the right hon. and learned Member to my statement in the House in the debate on 18 May 1998, *Official Report*, columns 604–11, in which I announced the investigation by Sir Thomas Legg KCB QC into allegations about Government involvement with the supply of arms to Sierra Leone by UK citizens and firms, and said that the Terms of Reference would be placed in the Library of the House. I intend to publish the report of the investigation.

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what departmental oral and written briefing material was submitted directly to him before 28 April concerning Sandline's involvement with arms sales to Sierra Leone; [41600]

(2) what oral or written submissions he received from his Minister of State, the hon. Member for Manchester, Central (Mr. Lloyd) before 28 April concerning Sandline's involvement with arms sales to Sierra Leone. [41598]

Mr. Robin Cook *[holding answer 12 May 1998]:* None.

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) which member of his private office is responsible for policy relating to arms sales to Sierra Leone; [41609]

(2) which member of his private office was responsible for the safekeeping of the letter from Sandline's solicitors to the Foreign Secretary, noted by his special adviser on 28 April. [41597]

Mr. Robin Cook *[holding answer 12 May 1998]:* The Principal Private Secretary, assisted by two Private Secretaries and the other staff of the Private Office oversees the handling of all papers received in Private Office.

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs if the letter from Sandline's solicitors concerning arms sales to Sierra Leone, first noted by his special adviser on 28 April, was contained in a departmental file within a ministerial box. [41599]

Mr. Robin Cook: I refer the hon. Member to my statement in the House during the debate on 18 May 1998, *Official Report*, columns 604–11, in which I announced the investigation by Sir Thomas Legg KCB QC into allegations about Government involvement with the supply of arms to Sierra Leone by UK citizens and firms, and said that the Terms of Reference would be placed in the Library of the House. I intend to publish the report of the investigation.

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs what assistance was offered by the Government to President Kabbah of Sierra Leone during his period of exile. [41801]

Mr. Robin Cook *[holding answer 13 May 1998]:* I refer to the statement by my hon. Friend the Minister of State in the debate on 12 March 1998, *Official Report*, column 840, and the statement I made in the debate on 18 May 1998, *Official Report*, columns, 604–11.

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs if helicopters supplied by United Kingdom firms were used to assist military intervention in Sierra Leone. [41964]

Mr. Robin Cook *[holding answer 14 May 1998]:* I am aware of reports that the helicopter used by the local commander of the ECOMOG troops in Sierra Leone was operated by Sandline International.

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs on what date he first consulted Treasury Ministers concerning arms sales to Sierra Leone contrary to UN resolutions. [41823]

Mr. Robin Cook *[holding answer 14 May 1998]:* I did not consult Treasury Ministers on this matter.

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs on what date he first consulted the President of the Board of Trade and officials from the Department of Trade and Industry concerning arms sales to Sierra Leone contrary to UN resolutions. [41824]

Mr. Robin Cook *[holding answer 14 May 1998]:* I did not consult my right hon. Friend the President of the Board of Trade, or other DTI Ministers or officials on this matter.

Mr. Blunt: To ask the Secretary of State for Foreign and Commonwealth Affairs in what way official telegrams are recorded in *(a)* his Department and *(b)* British missions overseas. [42457]

Mr. Robin Cook *[holding answer 18 May 1998]:* All FCO telegrams are numbered sequentially in annual series to and from each post. The FCO's communications centre generates and records the numbers for outgoing telegrams and records the numbers on incoming telegrams from each post. Posts do likewise for telegrams they receive from the FCO.

Some small Posts are not connected to the telegram network. These rely on facsimile for their communications.

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs if the Minister of State, the hon. Member for Manchester, Central (Mr. Lloyd), met representatives of Sandline International in Sierra Leone on 31 March. [42287]

Mr. Robin Cook *[holding answer 18 May 1998]:* No.

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs on how many occasions he has *(a)* met *(b)* spoken to Mr. John Flynn, his special representative to Sierra Leone since 9 January; and what was discussed on each occasion. [42285]

Mr. Robin Cook *[holding answer 18 May 1998]:* I have not met or spoken to Mr. Flynn since my last meeting with him on 9 January. He has kept in regular contact with the FCO and met my hon. Friend the Member for Manchester, Central (Mr. Lloyd) on 19 March 1998.

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs if the Minister of State, the hon. Member for Manchester, Central (Mr. Lloyd), discussed the activities of Sandline International with representatives of NGOs at their meeting on 1 April [42283]

Mr. Robin Cook *[holding answer 18 May 1998]:* No.

Mr. Hogg: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his oral answer of 12 May 1998, *Official Report*, column 164, if the telegram of 6 February was copied to *(a)* his Private Office and *(b)* other ministerial private offices. [42311]

Mr. Robin Cook *[holding answer 18 May 1998]:* It was copied to my office and to that of the Minister of State, my hon. Friend the Member for Manchester, Central (Mr. Lloyd).

Sir John Stanley: To ask the Secretary of State for Foreign and Commonwealth Affairs which Minister in his Department approved the terms of the Sierra Leone (United Nations Sanctions) Order 1997 before it was laid before Parliament. [42601]

Mr. Robin Cook *[holding answer 20 May 1998]:* The Minister of State my hon. Friend the Member for Manchester, Central (Mr. Lloyd).

Engagements

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list his engagements for *(a)* 28 January, *(b)* 21 February, *(c)* 30 March and *(d)* 23 to 30 April. [42126]

Mr. Robin Cook: The information is as follows:

List of Secretary of State's engagements for the following dates:

Wednesday 28 January 1998

am: attended Parliamentary Labour Party Meeting in House of Commons

Lunch with Sun Editorial Board

pm: Meeting with Bahraini Foreign Minister and Crown Prince

Office Meeting concerning the forthcoming meeting with Gibraltar Chief Minister Caruana

Drinks with Will Hutton of the Observer

Dinner with Gibraltar Chief Minister Caruana

Saturday 21 February 1998

No official engagements

Monday 30 March 1998

Attending General Affairs Council in Brussels

Thursday 23 April 1998

am: Cabinet meeting at No. 10

Meet the families of Chechen hostages

pm: Office meeting on Gibraltar

Preparation/telephone calls for General Affairs Council in Luxembourg on Monday 27 April

Attend Lord Mayor's Banquet

Friday 24 April 1998

am: Office meeting to discuss possible visit to Copenhagen

Interview with New Statesman

Prepare speech for opening of "In Flanders Fields" Museum in Ypres

pm: Office meeting on G7/G8

Interview with Mike Rawthorne, BBC TV News

Interview with John Kampfner

Saturday 25 April 1998

am: Travel to Belgium to attend the opening of "In Flanders Fields" Museum and deliver speech

Attend lunch with Belgian Foreign Minister Derycke

pm: Travel to Luxembourg for the General Affairs Council

Sunday 26 April 1998

pm: Council briefing

Dinner with Finnish and Swedish Foreign Ministers

Monday 27 April 1998—Tuesday 28 April 1998

Attend General Affairs Council, Luxembourg

Wednesday 29 April 1998

am: Briefing session for EU/GCC Ministerial meeting with officials

Bilaterals with Kuwaiti and Saudi Foreign Ministers

Host EU/GCC Ministerial Meeting in Lancaster House

pm: EU/GCC Reception

Thursday 30 April 1998

am: Presidency meeting

Cabinet meet at No. 10

Launch of Lisbon Expo

pm: Preparation/meetings/telephone calls for forthcoming meetings with US Secretary of State Mrs. Albright, and Prime Minister's meetings with Israeli Prime Minister Netanyahu and Palestinian President Arafat

Interview with Robin Oakley, BBC

Attend Reception for 50th Anniversary of the Independence of Israel

Travel to Edinburgh for Constituency programme.

Sandline International

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs at what time and on what date the Minister of State, the hon. Member for Manchester, Central (Mr. Lloyd), first saw a copy of the letter addressed to the Foreign Secretary from S. J. Berwin & Co. on behalf of Sandline International dated 24 April. [42131]

Mr. Robin Cook: Friday 1 May.

UNSCR

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will publish the report to the UN Secretary-General requested by paragraph 13 of UNSCR 1132 about the steps taken to implement the measures set out in paragraphs 5 and 6 of UNSCR 1132. [41965]

Mr. Robin Cook *[holding answer 14 May 1998]:* I have placed a copy in the Library of the House.

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will publish the 30-day reports of ECOWAS to the Committee of the UN Security Council established by paragraph 10 of UNSCR 1132. [41966]

Mr. Robin Cook *[holding answer 14 May 1998]:* ECOWAS reports to the Committee of the UN Security Council are not public documents. I do not have the authority to publish them.

Rwanda

Mr. Cohen: To ask the Secretary of State for Foreign and Commonwealth Affairs what has been Her Majesty's Government's contribution to the United Nations Special Commission on Rwanda in each of the last three years. [42389]

Mr. Tony Lloyd: The UK's annual contribution to the UN Regular Budget in 1996–97 was 5.32%. Expenditure on the United Nations Commission of Inquiry into Arms Flows to Rwanda from the UN Regular Budget in the biennium 1996–97 was $520–506. The Commission completed the first phase of its work in November 1996. It was reactivated by Security Council Resolution 1161 of 9 April which encouraged UN Member States to make voluntary contributions to finance the work of the Commission. In response, the Government have announced a contribution of £100,000.

Mr. Gerald Bull

Mr. Cohen: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he or his officials have had with the Belgian authorities concerning the investigation into the murder of Mr. Gerald Bull; and if he will make a statement. [42608]

Mr. Doug Henderson: The Belgian magistrate who is investigating the death of Gerald Bull has recently been informed on official channels that a visit to Brussels by a team of British scientific and technical officials had been planned for 19–21 March 1990 but did not in fact take place.

Kashmir

Ms Moran: To ask the Secretary of State for Foreign and Commonwealth Affairs what action he intends to take to encourage the international community to broker a resolution of the Kashmir issue. [42764]

Mr. Fatchett: I refer my hon. Friend to the written answer I gave to her on 19 May 1998, *Official Report*, column *363*.

Departmental Energy Use

Mr. Stunell: To ask the Secretary of State for Foreign and Commonwealth Affairs what proportion of his Department's energy usage was from *(a)* renewable energy and *(b)* combined heating in each year since 1989–90. [42552]

Mr. Fatchett: None.

Mr. Stunell: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the quantity of *(a)* oil, *(b)* gas and *(c)* electricity purchased for the heating, lighting and powering of all accommodation occupied by his Department within the UK in each year since 1989–90; and what was the total cost in real terms of *(a)* to (c) in each year. [42549]

Mr. Fatchett: The quantities and costs of oil, gas and electricity purchased by my Department since 1990–91 are as follows:

Year	*£*	*kWh*
Electricity		
1990–91	704,368	11,901,826
1991–92	926,380	12,624,474
1992–93	817,900	12,638,949
1993–94	543,310	8,007,072
1994–95	841,154	13,127,261
1995–96	720,091	13,825,100
1996–97	774,350	17,205,125
1997–98	833,213	17,881,626
Gas		
1990–91	28,201	2,338,322
1991–92	38,895	2,711,615
1992–93	36,000	2,398,471
1993–94	40,280	2,599,388
1994–95	28,631	2,656,756
1995–96	22,006	2,966,406
1996–97	35,683	5,028,945
1997–98	52,015	6,717,265

Year	£	kWh
Fuel Oil		
1990–91	69,304	5,226,871
1991–92	78,285	5,207,250
1992–93	72,400	5,514,067
1993–94	1,240	101,760
1994–95	49,487	375,808
1995–96	27,287	2,457,552
1996–97	65,033	4,514,612
1997–98	56,059	4,524,791

Note:
No figures available for 1989–90

India

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his Indian counterparts on India's defence policies. [42564]

Mr. Fatchett: My right hon. Friend the Foreign Secretary has had no recent discussions with Mr. Vajpayee on India's defence policies. I summoned the Acting Indian High Commissioner on 13 May to register our dismay and concern at the nuclear tests in India. My right hon. Friend the Foreign Secretary made clear in his statement to the House on 14 May 1998, *Official Report*, column 312, that the UK condemns the tests. My right hon. Friend the Prime Minister spoke to Mr. Vajpayee in similar terms during a telephone conversation on 15 May.

Sudan

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on relations with Sudan; and if he will facilitate discussions between the Khartoum Government and the SPLM/SPLA. [42346]

Mr. Tony Lloyd: The Sudanese Government and the Sudan Peoples Liberation Army meet at the Inter-Governmental Authority on Development (IGAD) peace talks, the last session of which was held in Nairobi on 2–6 May. We support these talks. To maintain their momentum, we are presently discussing with members of the IGAD Partners Forum, the convening of an urgent meeting of the Forum. The intention will be to follow up on the outcome of the 2–6 May talks.

GCHQ

Mr. Laurence Robertson: To ask the Secretary of State for Foreign and Commonwealth Affairs what factors his Department is taking into account in the relocation of GCHQ. [42491]

Mr. Robin Cook *[holding answer 20 May 1998]:* GCHQ's PFI project is being operated in accordance with standard public sector procurement practice in order to ensure value for money. The main factors taken into account are operational flexibility, the requirement for a single site within 10 miles of Cheltenham town centre, environmental considerations and the impact of planning restrictions. The results of the evaluation process are expected to be announced later this year.

Deportations

Mr. Browne: To ask the Secretary of State for Foreign and Commonwealth Affairs how many United Kingdom citizens convicted of murder or homicide abroad have been deported back to the United Kingdom in each year since 1990. [41737]

Mr. Fatchett *[holding answer 19 May 1998]:* Foreign jurisdictions are not required to inform us of the deportation of a British citizen. The information in the following table on the number of British citizens deported to the UK after completing a sentence for murder or homicide is therefore incomplete and relates only to those cases where we have become directly involved.

Year	Number
1990	4
1991	1
1992	1
1993	1
1994	2
1995	3
1996	1
1997	2

Mr. Browne: To ask the Secretary of State for Foreign and Commonwealth Affairs how many United Kingdom citizens, convicted of criminal offences abroad, have been deported back to the United Kingdom in each year since 1990. [41734]

Mr. Fatchett *[holding answer 19 May 1998]:* Foreign jurisdictions are not required to inform us of the deportation of a British citizen. The information in the following table on the number of British citizens deported to the UK after completing a sentence for a criminal offence is therefore incomplete and relates only to those cases where we have become directly involved:

Year	Number
1990	245
1991	213
1992	256
1993	345
1994	270
1995	293
1996	237
1997	293

Sanjiv Kumar Nandra

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs when the file of Mr. Sanjiv Kumar Nandra, ref IMM/ECR/98/S, whose wife resides in Burfield Street, Leicester will be passed to London. [43082]

Mr. Fatchett: We have asked our High Commission in New Delhi for a detailed account of the position. The Migration and Visa Correspondence Unit will write to my hon. Friend as soon as possible.

BBC World Service

Jane Griffiths: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on future funding for the BBC World Service. [42899]

Mr. Fatchett: We are examining with the Treasury how we deploy all our resources, including those dedicated to the World Service, as part of the Government's Comprehensive Spending Review.

Indonesia

Mr. Hoyle: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) if he will make a statement on the safety and security measures being taken to move UK nationals from their homes in Jakarta to the airport for evacuation; [42921]

(2) if he will make a statement on the evacuation of British citizens from Jakarta. [42920]

Mr. Fatchett: I refer my hon. Friend to the Statement I made in the House on 19 May 1998, *Official Report*, columns 731–32.

Mr. Hoyle: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the safety of Clare Brooks, a constituent, currently in Jakarta. [42922]

Mr. Fatchett: We understand Clare Louise Brooks left Jakarta for the United Kingdom on 19 May.

Falkland Islands

Mr. Hoyle: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will request the Argentinian Government to provide compensation to fund the clearance of mines laid in the Falkland Islands. [43044]

Mr. Tony Lloyd: The Argentine Government offered in 1993 to assist with demining and to meet the cost. My right hon. Friend the Foreign Secretary has asked them if, as a first step, they would be willing to help fund a British-led study to assess the feasibility and cost of demining the Falklands.

Mr. Hoyle: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will request compensation for the Falkland Islands from the Argentinian Government for devastation caused during the Falklands conflict. [43043]

Mr. Tony Lloyd: We have no plans to ask the Argentines for compensation for the damage done during the Falklands conflict.

Argentina

Dr. Gibson: To ask the Secretary of State for Foreign and Commonwealth Affairs what new exceptions there have been to the arms embargo on Argentina. [43580]

Mr. Tony Lloyd: This Department has recently granted two exceptions to the embargo, one in respect of the sale of two hunting rifle barrels to a private individual in Argentina, another in respect of the sale of twenty deactivated weapons to an Argentine importer. These represent exceptions but not changes to the embargo.

UN Register of Conventional Arms

Dr. Gibson: To ask the Secretary of State for Foreign and Commonwealth Affairs when the United Kingdom submitted its 1997 return to the UN Register of Conventional Arms; and if copies of the return will be placed in the Library. [43581]

Mr. Tony Lloyd: This Department submitted its return to the UN Register covering conventional arms transfers in calendar year 1997 on the 7 May. Copies have been placed in the Libraries of the House.

Our return includes information on types of weapons transferred, details of procurement from national production and details of military holdings which, for the first time, include the types of weapons held in six of the seven categories of weapons included on the Register.

We attach great importance to the Register as a confidence building and transparency measure. We will continue to work with our EU partners to encourage as many countries as possible to make a return to the Register.

Federal Republic of Yugoslavia

Dr. Gibson: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the approval of a licence for the temporary export of aeroengine parts to the Federal Republic of Yugoslavia. [43582]

Mr. Tony Lloyd: This Department has approved a licence for the temporary export of aero-engine parts to the Federal Republic of Yugoslavia for machining and assembling into more complete units. These units will be returned to the UK for inclusion in engine kits for export to Italy. As the export of the goods concerned is controlled under Part III of Schedule 1 to the Export of Goods (Control) Order 1994, this licence was an exception to our interpretation of the EU arms embargo on the Federal Republic of Yugoslavia. This decision does not affect the Government's continued support of the EU common position on arms exports to Bosnia-Herzegovina, Croatia and the Federal Republic of Yugoslavia.

European Structural Funds

Mr. Wigley: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the President of the European Commission concerning the future size of European structural funds; and if he will make a statement. [42430]

Mrs. Roche: I have been asked to reply.

The Government believe that the Structural Funds need to be fair, affordable, durable, simpler, and more efficient. The overall budget should be well below the 0.46 per cent. of Community GNP proposed by the Commission, before and after enlargement.

Representations by UK Ministers and Officials have been made to the Commission, outlining our support for containing the cost of the Funds.

Discussions on finance are likely to take place towards the end of the year and will continue into early 1999. It is too early in the negotiations to comment on the size of the European Structural and Cohesion Funds.

TRADE AND INDUSTRY

Low Pay Commission

Mr. Boswell: To ask the President of the Board of Trade when she will publish the recommendations of the Low Pay Commission and announce her response to its recommendations. [43102]

Mr. Ian McCartney: The Low Pay Commission was asked to make its recommendations by the end of this month and it is on course to do so. We will publish its report and the Government's response as soon as possible once we have considered the recommendations.

More Group

Mr. Burstow: To ask the President of the Board of Trade what representations she has received in respect of the takeover bid by J. C. Decaux for the More Group; and how many of these were from local authorities. [43039]

Mr. Nigel Griffiths: My right hon. Friend the President of the Board of Trade and the Director General of Fair Trading have received a considerable number of representations, for or against the merger, from competitors, customers, and others. Many of the representations from customers have been from local authorities.

Secondments

Mr. Chidgey: To ask the President of the Board of Trade what is her policy on the secondment of individuals from private companies to her Department. [41069]

Mrs. Beckett *[holding answer 12 May 1998]:* It is DTI policy to encourage the use of temporary secondments to bring into the Department specialist expertise or experience to assist the Department in achieving its objectives.

All inward secondments from industry are arranged in accordance with the Civil Service Commissioner's recruitment code. Secondees fulfil roles within the Department's management structure and report to Civil Servants. Our agreements with their employers set terms and conditions which closely mirror those of Civil Servants.

Mr. Chidgey: To ask the President of the Board of Trade what role individuals on secondment from private companies to her Department have in advising Ministers; and what access such individuals have to Ministers on issues concerning their company. [41070]

Mrs. Beckett *[holding answer 12 May 1998]:* A secondee may, from time to time, contribute to advice put to Ministers by Civil Servants and meet Ministers during the course of their work. Measures are in place to ensure that there is no conflict of interest.

Mr. Chidgey: To ask the President of the Board of Trade how many individuals are currently on secondment from private companies to her Department; and if she will list them, indicating their responsibilities. [41071]

Mrs. Beckett *[holding answer 12 May 1998]:* There are, at present, 138 individuals on temporary secondment into the DTI from private companies. I have two lists; the first lists those working under the Department's Export Promoter Scheme, the second lists those seconded elsewhere into the Department and includes the Directorates within which they are working. Details of precise responsibilities are not held centrally.

Company	*Title*	*Export promoter*
Alan Paine Knitwear Ltd	Mr.	Turley
Anglian Water International UK	Mr.	Martin
Bank of Ireland	Mr.	Jordan
Barclays Bank plc	Mr.	Bristow
Barclays Bank plc	Mr.	Watford
Barclays Bank plc	Mr.	Speirs
Beaumont Colson Ltd	Mr.	Williams
British Nuclear Fuels	Mr.	Slawson
Cable & Wireless plc	Mr.	Wilson
Cookstown Enterprise Centre Ltd	Mr.	Parke
CRL	Mr.	Ross
Crosrol Ltd	Mr.	Banfield
Crown Agents for Overseas Governments & Administration	Mr.	Lidderdale
Delamore Associates Ltd	Mr.	Wotton
Drinks Marketing Consortium	Mr.	Hall
Drinks Marketing Consortium	Mr.	Warren
Epinet Communications plc	Mr.	Gazeley
Eschmann Bros & Walsh Ltd	Mr.	Jones
Etrl Europe Ltd	Mr.	Steer
European Gas Turbines (GEC Alstrom)	Mr.	McClafferty
Ferryfast Produce Ltd	Mr.	Gorin
Frank Roberts & Sons Ltd	Mr.	Roberts
GEC Marconi Avionics Ltd	Mr.	Sharp
General Accident	Miss	Forbes
General Traffic Ltd	Mr.	Suleiman
Genesis Communications	Mr.	Eadie
Glaxco Wellcome plc	Mr.	Blythe
Guinness Brewing Worldwide Ltd	Mr.	Salmon
Hong Kong & Shanghai Banking Corporation Holdings	Mr.	Cooke
Hyder plc	Mr.	Rosser
Hydro Technologies Ltd	Mr.	Seaton
ICI Chemicals & Polymers Ltd	Ms	Lynch
ICI plc	Mr.	Twist
Institute of Export	Mr.	Manning
John Laing International Ltd	Mr.	Bayne
John Laing International Ltd	Mr.	Blackwood
John Swire & Sons Ltd	Mr.	Nightingale
Jones Cranes Limited	Mr.	Burton
Lancashire Enterprises plc	Mr.	Rathwell
LG Mouchel & Partners	Mr.	Sproston
M.A.I.D. plc	Mr.	Thacker
Madge & Hoyle Ltd	Mr.	Taylor
Marks and Spencer plc	Mr.	Cohen
Matheson & Co Ltd	Mr.	Reid
Meggitt plc	Mr.	Mather
Morris Singer Limited	Mr.	Pearson
NatWest Markets	Mr.	Smith
NatWest Markets	Mr.	Smeaton
Natural Animal Feeds Ltd	Miss	Moore
NHS Supplies	Mr.	Johnson
North Cape (Scotland) Limited	Mr.	Burnham
Ove Arup & Partners	Mr.	Marsh
Ove Arup & Partners	Mr.	Khosla
Pirelli Cables Limited	Mr.	Pape
Prince Associates	Mr.	Scott
Reyrolle Projects Ltd	Mr.	Grew
River Don Castings Ltd	Mr.	Cookson
Rover Group Limited	Mr.	Simmons
Russo-British Chamber of Commerce	Mr.	Simpson
Russo-British Chamber of Commerce	Ms	Fitzgerald
Siemens ATM	Mr.	Flaxman
Sonic Communications (International) Ltd	Mr.	Bunting
Texaco Ltd	Ms	Lapczynska
The British Petroleum Company plc	Mr.	Wood
The British Petroleum Company plc	Mr.	Haymes

Company	*Title*	*Export promoter*
The British-Israel Chamber of Commerce	Mr.	Cohen
The Export Association	Mr.	Fuga
The Export Association	Ms	Fairbanks
The Hosiery Manufacturing Co Ltd	Mr.	Layden
The Hosiery Manufacturing Co Ltd	Mrs.	Ritchie
The Institute of Export	Mr.	Evans
The West India Committee	Mr.	Burckhardt
Thomas Chislett	Mr.	Chislett
Toyoboshi UK Ltd	Mr.	d'Aronville
Turner & Newell plc	Dr.	Sabberwal
Unipart International	Mr.	Thorning
World Trade Development Limited	Mr.	Mitson

Company	*Secondee*	*Directorate*
Matra Marconi Space	Mr. Christopher Lee	British National Space Centre
Matra Marconi Space	Dr. David H. Parker	British National Space Centre
Unilever	Mr. Richard Bartholomew	Chemicals and Biotechnology
EPSRC	Mr. Mark Claydon-Smith	Chemicals and Biotechnology
Ericsson Ltd	Mr. Trevor Baker	Communications & Information Industries
BT plc	Mr. David Steward Baxter	Communications & Information Industries
Reuters Limited	Mr. Peter S. Williams	Communications & Information Industries
Herbert Smith	Mr. James Quinney	Consumer Affairs & Competition Policy
MITI	Mr. Hideo Suzuki	Engineering Industries
Rover Group Ltd	Mr. Keith Jordan	Engineering Industries
GEC Marconi Avionics	Mr. Kevin Moore	Engineering Industries
Lockstair Ltd	Mr. Michael Hyatt	Engineering Industries
Westcountry Development Corporation	Ms Suzanne Bond	Government Office—South West
Tensator Ltd	Terry Green	Innovation Unit
Duggan Creative	Richard Duggan	Innovation Unit
The Oxis Partnership	Richard Bahu	Innovation Unit
Richard M. Excell	Richard Excell	Innovation Unit
Cameron & Cameron	Jim Cameron	Innovation Unit
Raybould Price	Norman Price	Innovation Unit
Northern Quest	Tony Capewell	Innovation Unit
NCL Ltd	Nigel Crouch	Innovation Unit
IMH Ltd	Ian Handley	Innovation Unit
Artel Rubber Co Ltd	Graham Telling	Innovation Unit
Shawnee Associates Ltd	Bob Duncan	Innovation Unit
Reginald Maude Ltd	Michale Maude	Innovation Unit
Zeneca	Brian Lever	Innovation Unit
ICI	Stephen Aitken	Innovation Unit
Balfour Beatty Civil Engineering	Martin Print	Innovation Unit
Nuclear Electric	Ed Brown	Innovation Unit
Anglian Water	David Revitt	Innovation Unit
NatWest Bank plc	Tim Hoad	Innovation Unit
Sunalex	Alex Pratt	Innovation Unit
Arthur Andersen	Mr. Stephen Goodlud	Insurance
Coopers and Lybrand	Mrs. Simone J. Finn	Insurance
British Telecom plc	Mr. Colin Thompson	Invest in Britain Bureau
BT International Business	Ms Debra Blundell	Invest in Britain Bureau
Arthur Andersen	Miss Melissa Jane Bartlett	Invest in Britain Bureau
Price Waterhouse	Miss Sarah Gibbins	Investigations and Enforcement
Silver Altman	Mr. Andrew Marks	Investigations and Enforcement
Lee & Allen Consulting plc	Mr. Luke Steadman	Investigations and Enforcement
Nuclear Electric plc	Mr. Richard Szczepura	Nuclear Industries
AWE plc	Mrs. Pauline M. Macdonald	Nuclear Industries
British Computer Society	Mrs. Peta Walmisley	Office of Science and Technology
ICI Chemicals & Polymers Ltd	Mr. Christopher Hamlin	Office of Science and Technology
FINA plc	Mr. David Morgan	Oil and Gas
Price Waterhouse	Mrs. Julia Culshaw	Regional Assistance Directorate A
Deloitte & Touche	Mr. Nick Sharman	Regional Assistance Directorate A
Hambros Bank Ltd	Mr. Stuart N. Robins	Regional Assistance Directorate A
CERN	Mr. Michael Anthony Doran	SITPRO
Grant Thornton	Mr. James Austin	Small and Medium Enterprise Policy
Lloyds TSB Group plc	Mr. Guy Herrington	Small and Medium Enterprise Policy
Ernst & Young Services Ltd	Miss Jean Quinney	The Insolvency Service
Kidsons Impey	Mr. Stewart Wright	The Insolvency Service
Alexander Blackford Communications	Mr. A. Hicks	Government Office West Midlands
DTZ Debenham Thorpe	Mr. R. Greenwood	Government Office West Midlands
Heart of England Tourist Board	Mr. L. Charlton	Government Office West Midlands
The National Grid	Mr. S. Drummond	Government Office West Midlands
Unilever plc	Dr. A. Price	Government Office Merseyside
Latag	Mr. David Cadwallader	Government Office East Midlands
Waters Company Ltd	Mr. S. McKenna	Government Office Yorks & Humberside
Calderdale and Kirklees TEC	Ms A. Eastwood	Government Office Yorks & Humberside

Astra

Mr. Cohen: To ask the President of the Board of Trade what matters were covered by the public interest immunity certificates used in connection with the disqualification proceedings against Mr. Gerald James and the directors of Astra Holdings. [41874]

Mrs. Beckett: No public interest immunity certificates were sought by my Department or were issued in connection with the disqualification proceedings against former directors of Astra Holding plc. Despite press reports that it was intended to use a PII to suppress the 'Moulsdale letter' in that case, the letter was in fact brought to the attention of the court by my Department.

Mr. Campbell-Savours: To ask the President of the Board of Trade what advice DTI inspectors have given on the prosecution of Mr. Gerald James. [38920]

Mrs. Beckett: DTI inspectors appointed to investigate the affairs of Astra plc offered views on disqualification but not on prosecution.

EU Industry Council

Mrs. Humble: To ask the President of the Board of Trade if she will make a statement on the outcome of the EU Industry Council held in Brussels on 7 May. [43434]

Mrs. Beckett: I chaired a meeting of the EU Industry Council on 7 May.

The Council adopted a Regulation on new rules on aid to shipbuilding. Operating aid will be eliminated from end 2000 and remaining forms of support will be re-focused to improve the industry's competitiveness. There will be new aid for innovation and the opening up of regional aid. A strict limit will be placed on restructuring aid and strengthened monitoring provisions will be introduced. These measures will lead to an overall reduction in the level of European shipbuilding subsidies. The new aid regime is an achievement for our Presidency and meets the interests of UK shipyards.

The main outstanding questions before the Council were the date when operating aid should be abolished and the restrictions that should be placed on the existing system of regional aid to reduce distortion in competition. After a long and thorough discussion, a compromise was finally agreed with the abolition of operating aid at the end of 2000 and regional aid ceilings of 22.5 per cent for "A" regions and 12.5 per cent. for "C" regions (the so called "A" regions are Europe's poorest and "C" regions are less poor). The regulation does not affect the treatment of FPSOs. There will also be Commission declarations on the following: the strict application of the regional aid rules; the aid cumulation rule; and the viability criterion for restructuring aid, and a Council statement that the agreement on regional aid is without prejudice to the Community regional state aid policy.

The Council had an in-depth discussion on a proposed Regulation laying down detailed rules for the application of state aid rules in general. The Presidency put forward a compromise text and the debate focused on the three main issues still to be settled, namely; time limits for Commission action; Commission powers in respect of recovery of unlawful aid and a period of limitation on Commission action.

Good progress was made with a clear political will in favour of a Regulation and the Presidency concluded that further work should be undertaken by officials to enable the Council to reach a political agreement.

As a new initiative, I invited Industry Ministers to have dinner with representatives of industry, on the eve of the Council to discuss competitiveness. I see this as an important step in developing a real dialogue between industry and the Council of Ministers. The Council meeting held a debate on the competitiveness of European Industry, mainly focusing on the key factors at national and supra-national level influencing competitiveness of EU industry and how they can be achieved. The meeting also discussed one of the key factors, namely the availability of appropriate finance for innovative companies.

I concluded that there had been agreement on the importance of competitiveness and on the key factor as identified by the dinner and confirmed by the Council's discussion, namely: encouraging competition, efficient functioning of the Internal Market, a framework for innovation, continuous development of skills and labour adaptability, efficient markets for risk capital, improved environment for business start-up and entrepreneurship. There was strong support for continuing the Council's work on competitiveness with Austria and Finland pledging to do so in their forthcoming Presidencies.

The Council took note of a progress report by the Commission on the Business Environment Simplification Task Force (BEST) and a Commission communication on Fostering Entrepreneurship in Europe. The Presidency noted that there was agreement on the importance of entrepreneurship for competitiveness, growth and jobs.

The Council also agreed conclusions on the competitiveness of the Construction Industry and a plan of action to increase the competitiveness of the European Textile and Clothing Industry.

There were Commission presentations on a proposed directive on late payment, the year 2000 computer problem, delocalisation, restructuring of the steel industry in Central and Eastern Europe, Six-monthly report on the monitoring of steel aid cases and a report on the work of the high level group dealing with the implications of industrial change.

Civil Service

Helen Jones: To ask the President of the Board of Trade if she will make a statement on the Department of Trade and Industry recruitment for calendar year 1997, with particular reference to the use of permitted exceptions to the principles of fair and open competition

and selection on merit, as required by the Civil Service Commissioner's Recruitment Code. [43433]

Mrs. Beckett: It is DTI policy that recruitment is carried out on the basis of fair and open competition and selection on merit, subject to the exceptions permitted by the Civil Service Commissioners. My Department has systems in place which ensure that the principles of fair and open competition are understood and followed, in accordance with the provisions of the Civil Service Commissioner's Recruitment Code. These systems are subject to internal check by The DTI's Internal Audit and to external check by the Commissioner's approved auditors.

The DTI's Executive Agencies and the Government Office network make separate arrangements for publishing recruitment data, and the following table and narratives describe only Headquarters recruitment:

Recruitment information
Number of staff recruited 1 January 1997 to 31 December 1997

							Gender		Ethical background			
Grade	*Permanent*	*FTA*	*Recurring temp*	*Standby*	*Short notice*	*Other*	*Male*	*Female*	*White*	*Ethnic minority*	*Not stated*	*Disability*
Grade 6	—	—	—	1	—	—	1	—	[1]—	[1]—	[1]—	—
Grade 7	4	1	—	2	—	—	5	2	7	—	—	—
Higher Executive Officer	8	2	—	—	—	—	5	5	8	—	2	1
Executive Officer	4	2	2	—	—	—	4	4	8	—	—	1
Administrative Officer	11	2	2	—	—	31	22	24	34	7	5	1
Administrative Assistant	4	8	—	—	—	12	12	12	17	4	3	1
HEO D	6	—	—	—	—	—	5	1	6	—	—	—
HSO D	2	—	—	—	—	—	1	1	[1]—	[1]—	[1]—	—
Legal Trainee	1	—	—	—	—	—	1	—	[1]—	[1]—	[1]—	—
Legal Officer	1	—	—	—	—	—	—	1	[1]—	[1]—	[1]—	—
Assistant Librarian	1	—	—	—	—	—	—	1	[1]—	[1]—	[1]—	—
Support Grade Band 2	—	2	—	—	—	—	2	—	[1]—	[1]—	[1]—	—
Assistant Economists	6	—	—	—	—	2	6	2	8	—	—	1
Assistant Statisticians	2	—	—	—	—	2	3	1	[1]—	[1]—	[1]—	1
Senior Research Officer	—	1	—	—	—	—	1	—	[1]—	[1]—	[1]—	—

[1] includes numbers of casuals and sandwich course students

Notes:

1. ethnic data have been suppressed for those grades where numbers recruited are 5 or less, to avoid the possibility of identifying individuals
2. from 1 August 1997, the department's grades became expressed as pay ranges. For consistency, we have used grades for this exercise. Information will be presented as Ranges next year

The number of occasions on which the permitted exceptions to fair and open competition and selection on merit have been used at each level (except for appointments of up to 12 months), are categorised as below. Please include details of any exceptions underneath the relevant category:

extensions of appointments of up to 12 months up to a maximum of 24 months: none

recurrent short term appointments

1 EO former civil servant brought in for a few weeks at a time when needed

2 AOs and 1 EO in Queens Award Office where the work is seasonal

short term appointments where highly specialised skills are required:

2 Grade 7s and 1 Grade 6 on standby appointments, 1 Grade 7 on a fixed term contract. All were for specialist posts that would have been difficult to recruit from industry and it was regarded as too expensive to employ consultants

extensions of short term appointments beyond the initially publicised period, including conversions to permanency:

1 EO on a fixed term contract and 1 AO casual appointment converted to permanency

secondments: none

extensions to secondments: none

re-appointment of former civil servants:

1 Grade 7 previously employed by Crown Prosecution Service

1 AO now employed on a fixed term contract

2 EOs and 2 AOs on recurrent temporary appointments

transfers of staff with their work (not under TUPE):

1 AA, 3 AOs, 4 HEOs transferred from Cabinet Office with their work

transfers of staff from other public services without work (unless from a public body staff exclusively by civil servants): None

appointments of disabled candidates under modified selection arrangements any use of the exceptions reserved for the Commissioners: None.

Export Licences

Mr. Paterson: To ask the President of the Board of Trade how many export contracts she estimates have been cancelled because of the withholding of export licences as a result of the ethical foreign policy; and if he will estimate the number of jobs lost in consequence. [42578]

Mrs. Roche *[holding answer 18 May 1998]:* Where an application for an export licence is refused, applicants do not routinely inform the Department whether such decisions have resulted in the cancellation of contracts. I am not therefore in a position to make the estimate requested. As my right hon. Friend the Foreign Secretary said when announcing the new export licence assessment criteria on 28 July 1997, *Official Report*, columns 26–29, we are committed to the maintenance of a strong defence industry which is a strategic part of our industrial base as well as our defence effort. Defence exports can also contribute to international stability by strengthening bilateral and collective defence relationships in accordance with the right of self-defence recognised by the UN Charter, but arms transfers must be managed responsibly, in particular so as to avoid their use for internal repression and international aggression.

European Structural and Cohesion Funds

Mr. Sawford: To ask the President of the Board of Trade if she will make a statement on the recently published proposals by the European Commission for reform of the European Structural and Cohesion Funds. [43435]

Mrs. Roche: The draft regulations for the Structural and Cohesion Funds covering the operation of the Funds from the years 2000 to 2006 were published on 18 March as part of a wider Agenda 2000 package.

It is important that the Structural and Cohesion Funds be reformed to make them more effective and to provide better value for money. The Funds' procedures are in need of substantial simplification and the prospect of enlargement of the EU to include Central and Eastern European countries makes this reform vital in any event.

During the long negotiations ahead we will be striving to achieve three main aims for the UK and its regions—these are fairness, affordability and durability.

Fairness means that no Member State should receive more than at present. Regions which continue to be eligible under the reformed criteria should not see an increase in per capita receipts while others face cuts. The cost of enlargement must be shared fairly between all Member States. It is not clear that the Commission's proposals achieve fairness. The UK is willing to take its fair share of cuts but could not accept an obviously unfair allocation.

In order to achieve affordability and durability, the total budget for the Funds should be well below the 0.46 per cent. of GNP proposed by the Commission. It will be vitally important to reduce the cost and per capita receipts before accession in order to make enlargement of the EU affordable and therefore long lasting and durable.

The Commission has proposed that the current 7 Objectives be reduced to 3 new ones. The proposed Objective 1 eligibility criterion is 75 per cent. of average EU GDP. The Government agree that a cut off is needed. There should, however, be flexibility around this level to allow for statistical margins of error. We also feel that any special cases should be translated across the EU. For example, the Scottish Highlands and Islands Objective 1 area, with a population density of about 9 people per sq km, should receive the same treatment as similar areas in northern Sweden and Finland.

The special circumstances of Northern Ireland and the ongoing political developments there should be recognised. Northern Ireland should certainly receive treatment at least as good as the richer Republic of Ireland.

For the new Objective 2, the Commission is proposing using unemployment as the main eligibility criterion. The last-minute concession of safety net limiting the reduction of population coverage to one third is an improvement on the initial proposals. But in our view GDP would be the most equitable and transparent basis for distributing Funds between Member States and determining total eligibility in each Member State.

Regional unemployment and other factors are better used to allocate money within Member States. There is a far greater range and quality of deprivation indicators for local areas available nationally than at EU level. The length of reference period is important; measures of unemployment should take account of business cycles.

Transition periods for those areas losing eligibility under the new regime should be of equal length for all Objectives—six years for Objective 2 and 5b, the same as for Objective 1.

The new Objective 3 would apply only outside Objective 1 and 2 areas. It would provide a policy framework for the development of human resources across the UK. We believe that Objective 3 must support Member States' employment strategies as set out in their National Employment Action Plans.

We support the objective of simplifying the Funds and making them more effective and better value for money. The Commission proposals are a good starting point. Administration must be improved, ensuring adequate appraisal monitoring and evaluation, and more subsidiarity should be introduced.

The Funds make an important contribution to economic development in the UK regions. The Government are consulting widely and will be working to ensure that the detailed arrangements for the allocation of the Funds take account of the UK's regional interests, and that they are fair to the UK as a whole. It is, however, too early to estimate the impact on individual UK regions. Publication of the Regulations marks the start of a long negotiation initially under the UK Presidency and continuing possibly into 1999. The Regulations will have to be agreed in the Council of Ministers and approved by the European Parliament.

Dounreay

Mr. Llew Smith: To ask the President of the Board of Trade if she will list *(a)* the number of safeguards visits made, *(b)* the reports made and *(c)* the duration of each visit by (i) Euratom and (ii) International Atomic Energy Agency safeguards inspectors, to (1) D1202, fuel fabrication facility, (2) D1203, highly enriched uranium recovery plant, (3) D1204, research reactor reprocessing unit and (4) D2700, radioactive materials cementation plant, at the UK Atomic Energy Authority establishment at Dounreay since 1980. [40671]

Mrs. Roche: I refer my hon. Friend to my reply of 19 December 1997, *Official Report*, column *342*.

The safeguards reports made by all UK nuclear operators, including Dounreay, are in accordance with the procedures set out in Commission Regulation (Euratom) No. 3227/76. Copies of the Regulations are available in the Library of the House.

No facilities at Dounreay are currently designated for inspection by the IAEA.

The detailed information sought on safeguards inspection visits could be provided only at disproportionate cost.

Radioactive Isotopes

Mr. Llew Smith: To ask the President of the Board of Trade how much material was available in the United Kingdom on 23 April to make medical radioactive isotope

targets for use in cancer treatment; and how many such targets could be manufactured from that quantity of materials. [40752]

Mr. Battle: On 23 April, the UKAEA held sufficient Highly Enriched Uranium (HEU) of the necessary enrichment, greater than 90 per cent. to produce 7,800 targets which will then be used to produce 39 million doses of Technetium-99m for use in the treatment of cancer and other diseases. This inventory comprised 39 km of HEU in a number of different forms; only 7 km was available as stock material for immediate target manufacture. The use of Technetium-99m continues to grow, currently some 30,000 procedures per day are carried out in Western Europe using this isotope. A wide range of other radioisotopes are used in the treatment of cancer, however the UKAEA play no part in their manufacture. The Government do not have central records of the overall amounts of radioisotopes used for medical purposes.

European Structural Funds (Wales)

Mr. Gareth Thomas: To ask the President of the Board of Trade if she will make a statement on the scope and nature of her responsibilities in relation to the review of European structural funds in respect of Wales, indicating the timetable for action by her Department. [42470]

Mrs. Roche: The Department of Trade and Industry is the lead Department on the reform of European Structural and Cohesion Funds. Our responsibility is to co-ordinate UK policy on the reform for all Government Departments including Welsh, Scottish, and Northern Ireland offices.

Administration of Structural Funds programmes within Wales is the responsibility of the Welsh office. The Department of Trade and Industry has responsibility for co-ordination of issues affecting the UK as a whole.

During our Presidency, we intend to take the negotiations forward as efficiently and effectively as possible, focusing on the general regulations which deal with administrative simplification of the Funds. Discussions have started on the proposed regulations by Member States at working group level. These will then need to be negotiated in the Council of the Ministers and approved by the European Parliament.

SOCIAL SECURITY

Lone Parents

Mr. Webb: To ask the Secretary of State for Social Security (1) if she will make it her policy to ensure that home visits remain a major feature of the New Deal for lone parents when it becomes a nationwide scheme; and if she will make a statement; [40206]

(2) what estimate she has made of the effect on the number of home visits under the New Deal for lone parents of the move to a nationwide scheme under the primary responsibility of the Employment Service. [40210]

Mr. Keith Bradley: The Government intend that the quality of the nationwide service will be at least as good as that currently available in the prototypes, within a service tailor-made to individuals' needs. Home visits are currently a feature of New Deal for Lone Parents and will continue to be so.

Pension Review

Mr. Webb: To ask the Secretary of State for Social Security when she intends to announce the conclusions of the current pension review. [43087]

Mr. Denham: I refer the hon. Member to the reply I gave to the hon. Member for West Dorset (Mr. Letwin) on 24 April 1998, *Official Report*, column *731*.

Consultation Papers

Mr. Gordon Prentice: To ask the Secretary of State for Social Security if she will list the consultation papers published since 1 May 1997 giving the date of publication, closing date for submissions and the number of respondents. [42255]

Mr. Field: The information is set out in the table.

Consultation paper	*Start date for consultation exercise*	*End date for consultation exercise*	*Number of responses to completed exercises*
First stage of Pensions Review	17 July 1997	31 October 1997	over 2,000
Stakeholder Pensions: A Consultation Document	19 November 1997	31 January 1998	over 200
Green Paper, "New Ambitions for our Country: a New Contract for Welfare"	26 March 1998	31 July 1998	—
Joint Green Paper with the Department for Education and Employment, "Meeting the Childcare Challenge"	19 May 1998	28 July 1998	—

In addition, the Department has undertaken a number of consultations with interested organisations and people on specific technical issues.

Correspondence

Mr. Beith: To ask the Secretary of State for Social Security when she expects to reply to the letter of 7 January from the right hon. Member for Berwick-upon-Tweed on behalf of Mr. M. Gee of 38 Gloster Park, Amble, about benefits for disabled people. [42867]

Mr. Field: A reply was sent to the hon. Member on 18 May 1998.

National Insurance

Mr. Plaskitt: To ask the Secretary of State for Social Security what steps she is taking to reform employers' national insurance contributions. [41711]

Mr. Denham: In his Budget statement on 17 March, my right hon. Friend the Chancellor of the Exchequer announced the most radical reforms of National Insurance

contributions for over 20 years; reforms which support the Government's welfare to work policies and cut red tape for employers.

From April 1999, the level of earnings at which employers' contributions become payable will be increased from the lower earnings limit (£64 a week for 1998/99) to an amount equivalent to the single personal tax allowance (currently £81 a week). Employers' contributions on earnings below this new threshold will be abolished, and the four different rates of contributions they currently pay for employees not contracted-out of the State earnings-related pension scheme will be replaced by a single 12.2 per cent rate. Contribution rebates for employers with contracted-out schemes will not be affected. They will continue to be entitled to contribution rebates on earnings between the lower earnings limit and the single personal tax allowance. These changes, which are revenue neutral for employers as a whole, are contained in the Social Security Bill for which we will be seeking Royal Assent today.

Public Appointments

Jackie Ballard: To ask the Secretary of State for Social Security when her Department's action plan for increasing the number of women holding public appointments will be published; and if she will place a copy in the Library. [42813]

Mr. Field: This Government are committed to widening the range of candidates applying for public appointments and encouraging more women and members of the ethnic minorities to put themselves forward for public office. This Department is currently drawing up an action plan which will set robust targets for increasing the number of women and members of the ethnic minorities holding public appointments. This will be published shortly and copies will be placed in the Libraries of the House.

Benefit Integrity Project

Mr. Keetch: To ask the Secretary of State for Social Security if she will make a statement on the progress of the DLA/Benefit Integrity Project in the Hereford constituency. [40775]

Mr. Denham: The Benefit Integrity Project aims to ensure that those in receipt of DLA are entitled to it. While it is right to check that people are receiving the correct amount of benefit, we are determined that those checks should be undertaken as sensitively as possible. Also, we should ensure all decisions taken as a result of the project are right. We have, therefore, acted to introduce an extra safeguard to improve the quality of, and the confidence in, benefit decisions made by the project.

The administration of the Benefit Integrity Project is a matter for Peter Mathison, the Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Mr. Paul Keetch, dated 21 May 1998.

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking for a statement on the progress of the Disability Living Allowance Benefit Integrity Project (BIP) in the Hereford constituency.

Information on the BIP is not available in the format requested. To provide geographical information routinely would incur high costs and disrupt the processing of ongoing casework.

As at 31 March 1998, a total of 172,026 cases, including 27,991 renewal cases, have been selected for action under the BIP. A total of 72,470 cases have been examined. Of the total cases dealt with 1,699 have resulted in an increase in benefit, 56,272 have remained unchanged, 9,168 have resulted in a reduction in benefit and 5,331 have resulted in benefit being stopped.

The total includes 14,815 renewal cases, of which 462 have resulted in an increase in benefit, 7,633 have remained unchanged, 3,992 have resulted in a reduction in benefit and 2,728 have resulted in benefit being stopped.

A monthly statistical report can be found in the House of Commons Library.

I hope that this is helpful.

Social Fund Commissioner

Mr. Heppell: To ask the Secretary of State for Social Security if she has appointed a new Social Fund Commissioner to succeed Mr. John Scampion when his appointment ends on 31 May. [43578]

Ms Harman: I am pleased to announce that Mr. John Scampion has agreed to serve as Social Fund Commissioner for Great Britain and Northern Ireland for a further period of three years from 1 June 1998.

Since taking up the post of Social Fund Commissioner in June 1995, Mr. Scampion has successfully developed the Independent Review Service (IRS) into a customer focused organisation which aims to get the decision right first time. An important step for the IRS in this new approach has been the development of staff to realise their full potential, leading to the award of the Investors in People accreditation in July 1997.

Mr. Scampion has also agreed to take part in the general monitoring of the effectiveness of the new Budgeting Loan scheme.

I am confident that I can rely on Mr. Scampion to maintain and even improve upon his excellent record to date.

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OFFICIAL REPORT

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This index is derived from the House of Commons Library's Parliamentary On-Line Information System (POLIS), and the subject terms used are based on those used in POLIS. There are often changes in column numbering, etc., between the daily part or weekly Hansard (which simply collects together the daily parts without revision) and the bound volume. The index for the bound volume is revised to take account of these changes and cannot therefore, be used in connection with the daily part or weekly Hansard. For these versions use the Fortnightly Index.

Scope and arrangement of the Index

Oral and Written Parliamentary Questions are indexed under subject headings and the names of Members asking and Ministers replying to them. Questions are not listed under the names of Departments replying. Departmental listings can be arrived at indirectly by looking under the names of the Minister(s) of that Department. There are, however, the headings 'Northern Ireland', 'Scotland', and 'Wales' under which one can find not only most Questions answered by the Northern Ireland Office, Scottish Office, Welsh Office but also Questions about these areas of the United Kingdom which are answered by other Departments. Ministerial statements are indexed under subject headings, under 'Ministerial statements' and the names of Ministers making them and Members speaking on them. General debates are indexed under broad subject headings and under the names of all Members and Ministers taking part. Debates on legislation (Bills, Orders, Regulations etc.) are indexed under the name of the Bill, Statutory Instruments etc, under subject headings and under the names of those taking part.

Rulings and Statements by Speaker and deputies are brought together under the heading 'Speaker's rulings and statements'.

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The date of each item except Parliamentary Questions is inserted immediately before the reference.

Members' names are given in the form by which they prefer to be known and are printed in bold italics. Under their names, entries are arranged under one of the two headings *Debates, etc.* (to include interventions on statements, points of order and so on) or *Questions.*

Abbreviations

Bills 1R = first reading, 2R = second reading, Money res = money resolution, Comm = Committee stage, Rep = Report stage, 3R = third reading, amendt/amendts = amendment/amendments, * = matter taken formally, without debate.

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